

7-21-2011

State v. Turbyfill Clerk's Record Dckt. 38579

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38579

STATE OF IDAHO,

Petitioner/Respondent,

CLERK

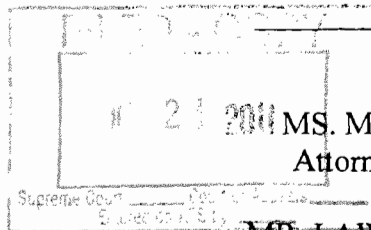
vs.

TIFFANY LEIGH TURBYFILL,

Defendant/Appellant.

Appealed from the District Court of the First Judicial
District of the State of Idaho, in and for Bonner County

HONORABLE STEVE VERBY
District Judge



MS. MOLLY HUSKEY
Attorney for Appellant

MR. LAWRENCE G. WASDEN
Attorney for Respondent

38579

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	SUPREME COURT NO. 38579-2011
)	
	)	CLERK'S RECORD ON APPEAL
Plaintiff/Respondent,)	
vs.)	
)	
TIFFANY LEIGH TURBYFILL,)	
)	
)	
Defendant/Appellant.)	
_____)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the First Judicial District of the State of Idaho, in and for
the County of Bonner.

HONORABLE STEVE VERBY
District Judge

MR. LAWRENCE G. WASDEN
ATTORNEY GENERAL
P.O. BOX 83720
BOISE, ID 83720-0010

ATTORNEY FOR RESPONDENT

MS. MOLLY J. HUSKEY
STATE APPELLATE PUBLIC DEFENDER
3647 LAKE HARBOR LANE
BOISE, ID 83705

ATTORNEY FOR PETITIONER

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State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User		Judge
1/26/2009	NCRF	FORELL	New Case Filed - Felony	Magistrate Court Clerks
	PROS	FORELL	Prosecutor assigned Roger M. Hanlon	Magistrate Court Clerks
1/30/2009	AFPC	TURNBULL	Affidavit Of Probable Cause	Magistrate Court Clerks
2/25/2009	OTHER	FORELL	Other finding: (I18-8004 {F} Driving Under The Influence) Roger to Refile Charges	Magistrate Court Clerks
3/4/2009	CRCO	FORELL	Criminal Complaint	Magistrate Court Clerks
3/5/2009	SMIS	FORELL	Summons Issued	Magistrate Court Clerks
	HRSC	FORELL	Hearing Scheduled (Arraignment/Criminal Summons 03/27/2009 08:30 AM)	Debra A. Heise
	XSEA	FORELL	Case Sealed	Debra A. Heise
3/23/2009	DRCD	AYERLE	Driving Record	Debra A. Heise
			Document sealed	
3/27/2009	XUNS	ANDERSON	Case Un-sealed	Debra A. Heise
	CTLG	ANDERSON	Court Log- 09-085	Debra A. Heise
	SDUI	ANDERSON	Statement Of Defendant's Rights-dui	Debra A. Heise
	ARRN	ANDERSON	Hearing result for Arraignment/Criminal Summons held on 03/27/2009 08:30 AM: First Appearance on Felony	Debra A. Heise
	ORPD	ANDERSON	Defendant: Turbyfill, Tiffany Leigh Order Appointing Public Defender Public defender Public Defenders	Debra A. Heise
3/31/2009	HRSC	FORELL	Hearing Scheduled (Preliminary 04/15/2009 01:30 PM)	Justin W. Julian
		FORELL	Notice of Hearing	Justin W. Julian
	NOAP	TURNBULL	Notice Of Appearance, request for timely preliminary hearing, motion for bond reduction	Justin W. Julian
	RQFD	TURNBULL	Defendant's Request For Discovery (DUI)	Justin W. Julian
4/9/2009	RQFD	TURNBULL	Plaintiff's Request For Discovery	Justin W. Julian
	RRFD	TURNBULL	Plaintiff's Response To Request For Discovery	Justin W. Julian
4/10/2009	RRFD	TURNBULL	Defendant's Response To Request For Discovery	Justin W. Julian
4/13/2009	RRFD	TURNBULL	Plaintiff's Supplemental Response To Request For Discovery	Justin W. Julian
4/15/2009	CTLG	SECK	Court Log- 09-101	Justin W. Julian
	FTAH	SECK	Hearing result for Preliminary held on 04/15/2009 01:30 PM: Failure To Appear For Hearing Or Trial	Justin W. Julian
	BSET	SECK	BOND SET: at 25000.00	Justin W. Julian
	WARB	SECK	Warrant Issued - Bench Bond amount: 25000.00 Failed to Appear at Preliminary Hearing in Magistrate Court on April 15, 2009 at 1:30 pm. Defendant: Turbyfill, Tiffany Leigh	Justin W. Julian
	XSEA	SECK	Case Sealed	Justin W. Julian
	STAT	SECK	STATUS CHANGED: Inactive	Justin W. Julian

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User		Judge
4/30/2009	MOTN	TURNBULL	Motion to quash warrant; notice of hearing	Justin W. Julian
	HRSC	TURNBULL	Hearing Scheduled (Motion 05/08/2009 08:30 AM)	Debra A. Heise
5/8/2009	WARQ	AYERLE	Warrant Quashed Failed to Appear at Preliminary Hearing in Magistrate Court on April 15, 2009 at 1:30 pm. Defendant: Turbyfill, Tiffany Leigh	Debra A. Heise
	XUNS	AYERLE	Case Un-sealed	Justin W. Julian
	STAT	AYERLE	STATUS CHANGED: Activate (previously inactive)	Justin W. Julian
		AYERLE	Warrant Recall Notice Sent	Debra A. Heise
	CHJG	AYERLE	Change Assigned Judge	Debra A. Heise
	CTLG	AYERLE	Court Log- 09-107	Debra A. Heise
	ORDR	AYERLE	Order Quashing Warrant and Setting Conditions of Release	Debra A. Heise
	GRNT	AYERLE	Hearing result for Motion held on 05/08/2009 08:30 AM: Motion Granted to quash warrant WARRANT QUASHED	Debra A. Heise
	WAVE	AYERLE	Waiver OF RIGHT TO SPEEDY PRELIMINARY HEARING	Debra A. Heise
5/11/2009	HRSC	FORELL	Hearing Scheduled (Preliminary 05/27/2009 01:30 PM)	Debra A. Heise
		FORELL	Notice of Hearing	Debra A. Heise
	WARN	AYERLE	Warrant Returned, No Service ORIGINAL FROM JAIL	Debra A. Heise
5/27/2009	CTLG	ANDERSON	Court Log- 09-130	Debra A. Heise
	FTAH	ANDERSON	Hearing result for Preliminary held on 05/27/2009 01:30 PM: Failure To Appear For Hearing Or Trial	Debra A. Heise
5/28/2009	WARB	ANDERSON	Warrant Issued - Bench Bond amount: 25000.00 Failed to Appear For Preliminary Hearing Defendant: Turbyfill, Tiffany Leigh	Debra A. Heise
	STAT	ANDERSON	STATUS CHANGED: Inactive	Debra A. Heise
11/9/2009	WART	FORELL	Warrant Returned Failed to Appear For Preliminary Hearing Defendant: Turbyfill, Tiffany Leigh	Debra A. Heise
	CHJG	AYERLE	Change Assigned Judge	Barbara Buchanan
	JLBS	AYERLE	Jail Booking Sheet	Barbara Buchanan
			Document sealed	
	NOTR	AYERLE	Notification of Rights	Barbara Buchanan
	SDUI	AYERLE	Statement Of Defendant's Rights-dui	Barbara Buchanan
	CTLG	AYERLE	Court Log- 09-261	Barbara Buchanan
	JLIS	AYERLE	Jail Information Sheet	Barbara Buchanan
	BSET	AYERLE	BOND SET: \$25,000 AS PER WARRANT	Barbara Buchanan

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
11/9/2009	INHD	AYERLE	Interim Hearing Held
	CMIN	AYERLE	Court Minutes Hearing type: In Custodies Hearing date: 11/9/2009 Time: 1:14 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 09-261 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon
	DRCQ	AYERLE	Driving Record Requested
11/10/2009	HRSC	FORELL	Hearing Scheduled (Preliminary 11/18/2009 01:30 PM)
		FORELL	Notice of Hearing
11/12/2009	MISC	TURNBULL	Law supplemental narrative
11/16/2009	DRCD	AYERLE	Driving Record
			Document sealed
11/18/2009	CTLG	RASOR	Court Log- 09-281
	INFO	RASOR	Information
	CRCO	RASOR	Criminal Complaint Felony Enhancement
	OADC	RASOR	Order Holding Defendant To Answer To District Court
	JLIS	RASOR	Jail Information Sheet
	PHHD	RASOR	Hearing result for Preliminary held on 11/18/2009 01:30 PM: Preliminary Hearing Held
	BNDS	OPPELT	Bond Posted - Surety (Amount 3000.00)
11/19/2009	HRSC	RASOR	Hearing Scheduled (Arraignment/District Court 12/21/2009 09:00 AM)
	CMIN	RASOR	Court Minutes Hearing type: Preliminary Hearing date: 11/18/2009 Time: 2:00 pm Courtroom: Court reporter: Minutes Clerk: Sandra Rasor Tape Number: 09-281 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon
	NOTC	OPPELT	Notice to Defendants
12/18/2009	AFFD	GUTHRIE	Affidavit OF NON COMPLIANCE WITH DRUG TESTING.
12/21/2009	CTLG	CMOORE	Court Log-CD #09-304

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User		Judge
2/21/2009	CMIN	CMOORE	Court Minutes Hearing type: Arraignment/District Court Hearing date: 12/21/2009 Time: 9:26 am Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: 09-304 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon	Steve Verby
	HRSC	CMOORE	Hearing Scheduled (Motion 12/21/2009 09:00 AM) to Revoke Bond	Steve Verby
	ARRN	CMOORE	Hearing result for Arraignment/District Court held on 12/21/2009 09:00 AM: Arraignment / First Appearance	Steve Verby
	PNGJ	CMOORE	Hearing result for Arraignment/District Court held on 12/21/2009 09:00 AM: Plea of Not Guilty, Set for Jury Trial	Steve Verby
	PLEA	CMOORE	A Plea is entered for charge: - NG (I18-8004 {F} Driving Under The Influence)	Steve Verby
	PETN	CMOORE	Verified Petition to Revoke Bail	Steve Verby
	CTLG	CMOORE	Court Log-CD #09-304	Steve Verby
	CMIN	CMOORE	Court Minutes Hearing type: Motion to Revoke Bond Hearing date: 12/21/2009 Time: 2:00 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: 09-304 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon	Steve Verby
	INHD	CMOORE	Hearing result for Motion to Revoke Bond held on 12/21/2009 09:00 AM: Interim Hearing Held to Revoke Bond	Steve Verby
	DENY	CMOORE	Hearing result for Motion to Revoke Bond held on 12/21/2009 09:00 AM: Motion Denied	Steve Verby
	HRSC	CMOORE	Trial Scheduled (Jury Trial - 2 Days 02/08/2010 09:00 AM)	Steve Verby
	HRSC	CMOORE	Hearing Scheduled (Pretrial Conference 02/04/2010 02:00 PM)	Steve Verby
12/29/2009	NOTL	OPPELT	Notice Of Trial and Pretrial Order	Steve Verby
1/14/2010	WAIV	CMOORE	Waiver Of Speedy Trial	Steve Verby
	REQD	CMOORE	Defendant's First Supplemental Request for Discovery	Steve Verby
1/15/2010	MOCO	CMOORE	Stipulated Motion to Continue Pretrial and Trial	Steve Verby
	ORCO	CMOORE	Order to Continue Pretrial and Trial	Steve Verby

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
1/15/2010	CONT	CMOORE	Continued (Jury Trial - 2 Days 04/12/2010 09:00 AM)
	CONT	CMOORE	Continued (Pretrial Conference 04/08/2010 02:00 PM)
		CMOORE	Amended Notice of Trial
	MODS	CMOORE	Motion to Dismiss and Exonerate Bond; Notice of Hearing
	HRSC	CMOORE	Hearing Scheduled (Motion to Dismiss 02/18/2010 03:00 PM)
1/26/2010	SUPR	OPPELT	Plaintiff's Supplemental Response To Request For Discovery
2/18/2010	CONT	CMOORE	Continued (Motion to Dismiss 03/16/2010 02:30 PM)
2/23/2010	CMIN	CMOORE	Court Minutes Hearing type: Motion to Dismiss Hearing date: 2/18/2010 Time: 4:02 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: Crtrroom 1 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon
		CMOORE	Amended Notice of Hearing
3/16/2010	CTLG	OPPELT	Court Log- Courtroom 1
	DCHH	OPPELT	Hearing result for Motion to Dismiss held on 03/16/2010 02:30 PM: District Court Hearing Held Court Reporter: Val Larson Number of Transcript Pages for this hearing estimated: Less Than 100 Pages
	FTAH	OPPELT	Hearing result for Motion to Dismiss held on 03/16/2010 02:30 PM: Failure To Appear For Hearing Or Trial
	CMIN	OPPELT	Court Minutes Hearing type: Motion to Dismiss Hearing date: 3/16/2010 Time: 4:05 pm Courtroom: 1 Court reporter: Val Larson Minutes Clerk: Linda Oppelt Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon
3/17/2010		OPPELT	Notice of Forfeiture of Surety Bond
	WARB	OPPELT	Warrant Issued - Bench Bond amount: 40000.00 Failed to Appear on March 16, 2010 for a Motion to Dismiss Defendant: Turbyfill, Tiffany Leigh
	STAT	OPPELT	STATUS CHANGED: Inactive
	BSET	OPPELT	BOND SET: at 40000.00

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
4/8/2010	CMIN	RASOR	Court Minutes Hearing type: Pretrial Conference Hearing date: 4/8/2010 Time: 2:36 pm Courtroom: Court reporter: Minutes Clerk: Sandra Rasor Tape Number: 1 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon Steve Verby
	FTAH	CMOORE	Hearing result for Pretrial Conference held on 04/08/2010 02:00 PM: Failure to Appear For Hearing or Trial Steve Verby
4/9/2010		CMOORE	Notice of Forfeiture of Surety Bond Steve Verby
	HRVC	CMOORE	Hearing result for Jury Trial - 2 Days held on 04/12/2010 09:00 AM: Hearing Vacated - defendant did not appear at pretrial conference Steve Verby
	WARB	CMOORE	Warrant Issued - Bench Bond amount: \$100,000.00 Failed to Appear at Pretrial Conference Defendant: Turbyfill, Tiffany Leigh Steve Verby
	BSET	CMOORE	BOND SET: at \$100,000.00 Steve Verby
9/28/2010	WART	FORELL	Warrant Returned Failed to Appear on March 16, 2010 for a Motion to Dismiss Defendant: Turbyfill, Tiffany Leigh Steve Verby
	WART	FORELL	Warrant Returned Failed to Appear at Pretrial Conference Defendant: Turbyfill, Tiffany Leigh Steve Verby
	JLBS	AYERLE	Jail Booking Sheet Document sealed Steve Verby
	NOTR	AYERLE	Notification of Rights Steve Verby
	RAPD	AYERLE	Refusal to Apply for Public Defender Representation Steve Verby
	SDUI	AYERLE	Statement Of Defendant's Rights-dui Steve Verby
	CTLG	AYERLE	Court Log- 2 Debra A. Heise
	JLIS	AYERLE	Jail Information Sheet Steve Verby
	BSET	AYERLE	BOND SET: \$100,000 COMBINED WITH CR-2009-401 AS PER WARRANT Steve Verby
	INHD	AYERLE	Interim Hearing Held Debra A. Heise
	CMIN	AYERLE	Court Minutes Hearing type: In Custodies Hearing date: 9/28/2010 Time: 1:42 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 2 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon Debra A. Heise

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
9/28/2010	HRSC	AYERLE	Hearing Scheduled (Failure to Appear 10/21/2010 11:00 AM)
		AYERLE	Notice of Hearing
	SUBC	PHILLIPS	Substitution Of Counsel - Whitney out; Walker and Reuter in for Defendant
	APER	PHILLIPS	Defendant: Turbyfill, Tiffany Leigh Appearance Glen E. Walker
	APER	PHILLIPS	Defendant: Turbyfill, Tiffany Leigh Appearance Dennis Dale Reuter
	NOFH	PHILLIPS	Notice Of Hearing - 10/04/2010
	HRSC	PHILLIPS	Hearing Scheduled (Motion to Dismiss 10/04/2010 03:30 PM)
9/29/2010	CTLG	ANDERSON	Court Log- CTRM 3
	JLIS	ANDERSON	Jail Information Sheet
	CMIN	ANDERSON	Court Minutes Hearing type: Warrant Hearing Hearing date: 9/29/2010 Time: 3:55 pm Courtroom: Court reporter: Minutes Clerk: Lynne Anderson Tape Number: CTRM 3 Defense Attorney: Glen Walker Prosecutor: Roger Hanlon
	MISC	OPPELT	Bonner County Sheriff Law Supplemental Narrative
9/30/2010	SUBI	PHILLIPS	Subpoena and Subpoena Duces Tecum Issued
10/4/2010	CONT	CMOORE	Continued (Motion to Dismiss 10/21/2010 03:00 PM)
	JLIS	CMOORE	Jail Information Sheet
	CONT	CMOORE	Continued (Failure to Appear 10/21/2010 03:00 PM)
10/5/2010	CMIN	CMOORE	Court Minutes Hearing type: Motion to Dismiss Hearing date: 10/4/2010 Time: 4:06 pm Courtroom: Court reporter: None Minutes Clerk: Cherie Moore Tape Number: 1 Defense Attorney: Dennis Reuter Prosecutor: Roger Hanlon
		CMOORE	Amended Notice of Hearing
	MISC	FORELL	Sheriff's Certificate of Surrender of Defendant by Bondsman
	BNDE	FORELL	Surety Bond Exonerated (Amount 3,000.00) Bond Revoked by Bondsman

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
10/5/2010	JLBS	AYERLE	Jail Booking Sheet Document sealed Steve Verby
	RAPD	AYERLE	Refusal to Apply for Public Defender Representation Steve Verby
	SDUI	AYERLE	Statement Of Defendant's Rights-dui Steve Verby
	CTLG	AYERLE	Court Log- 2 Debra A. Heise
	JLIS	AYERLE	Jail Information Sheet Debra A. Heise
	BSET	AYERLE	BOND SET: \$40,000.00 Steve Verby
	HRHD	AYERLE	Hearing Held Steve Verby
	CMIN	AYERLE	Court Minutes Hearing type: In Custodies Hearing date: 10/5/2010 Time: 2:01 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 2 Defense Attorney: Glen Walker Prosecutor: Roger Hanlon Debra A. Heise
	BSET	AYERLE	BOND SET: at 40000.00 Steve Verby
10/21/2010	DCHH	CMOORE	Hearing result for Motion to Dismiss held on 10/21/2010 03:00 PM: District Court Hearing Held - Court Reporter: Val Larson - Number of Transcript Pages for this hearing estimated: Less than 100 pages Steve Verby
	DENY	CMOORE	Hearing result for Motion to Dismiss held on 10/21/2010 03:00 PM: Motion Denied Steve Verby
	CMIN	CMOORE	Court Minutes Hearing type: Motion to Dismiss Hearing date: 10/21/2010 Time: 3:03 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: 1 Defense Attorney: Dennis Reuter Prosecutor: Roger Hanlon Steve Verby
	INHD	CMOORE	Hearing result for Failure to Appear held on 10/21/2010 03:00 PM: Interim Hearing Held Steve Verby
	MEMO	CMOORE	Memorandum Supporting Dismissal of Case Steve Verby
	JLIS	CMOORE	Jail Information Sheet Steve Verby
	HRSC	CMOORE	Hearing Rescheduled (Pretrial Conference 11/04/2010 02:00 PM) Steve Verby
	HRSC	CMOORE	Trial Rescheduled (Jury Trial - 2 Days 11/08/2010 09:00 AM) Steve Verby
10/22/2010	NOFH	PHILLIPS	Notice Of Hearing - Oct 25, 2010 Steve Verby

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
10/22/2010	HRSC	PHILLIPS	Hearing Scheduled (Motion 10/25/2010 10:00 AM) to Release Defendant
10/25/2010	MOTN	CMOORE	Motion to Release Defendant on Her Own Recognizance
	MISC	CMOORE	Waiver of Defense Attorney's Presence
		CMOORE	Amended Notice of Trial
	CMIN	SECK	Court Minutes Hearing type: Motion to Release Defendant Hearing date: 10/25/2010 Time: 10:21 am Courtroom: Court reporter: Val Larson Minutes Clerk: Melissa Seck Tape Number: crtrm 1 Defense Attorney: Dennis Reuter Prosecutor: Roger Hanlon
	JLIS	OPPELT	Jail Information Sheet
	DCHH	OPPELT	Hearing result for Motion held on 10/25/2010 10:00 AM: District Court Hearing Held Court Reporter: Val Larson Number of Transcript Pages for this hearing estimated: to Release Defendant (Less Than 100 Pages)
	DENT	OPPELT	Hearing result for Motion held on 10/25/2010 10:00 AM: Denial Entered to Release Defendant
	BSET	OPPELT	BOND SET: at 30000.00
10/26/2010	WAEX	MORELAND	Waiver of Extradition
10/29/2010	MISC	OPPELT	Request for Specific Trial Date
	JUID	OPPELT	Defendant's Requested Jury Instructions
11/4/2010	JLIS	CMOORE	Jail Information Sheet
	INHD	CMOORE	Hearing result for Pretrial Conference held on 11/04/2010 02:00 PM: Interim Hearing Held - LEAVE SET FOR TRIAL
	CMIN	AYERLE	Court Minutes Hearing type: Pretrial Conference Hearing date: 11/4/2010 Time: 2:19 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 1 Defense Attorney: Dennis Reuter Prosecutor: Roger Hanlon
1/8/2010	MISC	OPPELT	Defendant's Proposed Jury Instructions
	JTST	CMOORE	Hearing result for Jury Trial - 2 Days held on 11/08/2010 09:00 AM: Jury Trial Started

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
11/8/2010	FOGT	CMOORE	Hearing result for Jury Trial - 2 Days held on 11/08/2010 09:00 AM: Found Guilty After Trial Steve Verby
	CMIN	RASOR	Court Minutes Hearing type: Jury Trial Hearing date: 11/8/2010 Time: 8:36 am Courtroom: Court reporter: Minutes Clerk: Sandra Rasor Tape Number: 1 and 2 Defense Attorney: Dennis Reuter Prosecutor: Roger Hanlon Steve Verby
	MISC	CMOORE	Jury Envelope Contents (Jury seating arrangements, final seating arrangements, Judge's instructions) Steve Verby
			Document sealed
	VERD	CMOORE	Verdict (Guilty) Steve Verby
	JLIS	CMOORE	Jail Information Sheet Steve Verby
	HRSC	CMOORE	Hearing Scheduled (Sentencing 01/18/2011 03:00 PM) Steve Verby
11/9/2010	NTDF	MORELAND	Notice to Defendant Steve Verby
11/30/2010		CMOORE	Notice of Hearing Steve Verby
1/11/2011	PSR	OPPELT	Presentence Report Steve Verby
			Document sealed
1/18/2011	CMIN	CMOORE	Court Minutes Hearing type: Sentencing Hearing date: 1/18/2011 Time: 3:06 pm Courtroom: Court reporter: Val Larson Minutes Clerk: Cherie Moore Tape Number: 4 Defense Attorney: Dennis Reuter Prosecutor: Roger Hanlon Steve Verby
	DCHH	CMOORE	Hearing result for Sentencing held on 01/18/2011 03:00 PM: District Court Hearing Held - Court Reporter: Val Larson - Number of Transcript Pages for this hearing estimated: Less than 100 pages Steve Verby
	DPHR	CMOORE	Hearing result for Sentencing held on 01/18/2011 03:00 PM: Disposition With Hearing Steve Verby
	PROB	CMOORE	Probation Ordered (I18-8004 {F} Driving Under The Influence) Probation term: 5 years. (Supervised) Steve Verby
	CAGP	CMOORE	Court Accepts Guilty Plea (I18-8004 {F} Driving Under The Influence) Steve Verby

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
1/18/2011	SNIC	CMOORE	Sentenced To Incarceration (I18-8004 {F} Driving Under The Influence) Confinement terms: Jail: 60 days. Penitentiary determinate: 1 year. Penitentiary indeterminate: 2 years.
	STAT	CMOORE	STATUS CHANGED: closed pending clerk action
	EVAL	CMOORE	Chemical Dependency Evaluation
			Document sealed
	PTC	CMOORE	Probation Terms and Conditions
	JLIS	CMOORE	Jail Information Sheet
1/21/2011	MOTN	PHILLIPS	Motion to Amend Reporting Time for Jail
	ORDR	CMOORE	Judgment and Commitment and Order of Probation (7 pages)
	ORDR	CMOORE	Order Amending Judgment
1/25/2011	STIP	OPPELT	Stipulation to 57 Days of Time Served
2/1/2011	NLRV	OPPELT	Notice of Loss of Right to Vote
2/7/2011	NOFG	PHILLIPS	Notice Of Filing Under Seal
	REPO	PHILLIPS	Report - Discharge Summary and Continuing Care Plan
			Document sealed
2/17/2011	APSC	KELSO	Appealed To The Supreme Court
	MOTN	KELSO	Motion for Appointment of SAPD-to Judge to sign
2/19/2011	ORDR	KELSO	Order for Appointment of State Appellate Public Defender-Sent copies to parties
3/1/2011	CCOA	KELSO	Clerk's Certificate Of Appeal-SENT TO ISC
3/9/2011	SCDF	KELSO	Supreme Court Document Filed-"Notice of Appeal Filed"-Clerk's Record/Trans. due to ISC 6/10/2011 Due to Attys-5/6/2011
	SCDF	KELSO	Supreme Court Document Filed-Misc-Corrections to the CCOA requested
3/14/2011	MISC	KELSO	Miscellaneous-sent amended CCOA to ISC
3/23/2011	CHJG	KELSO	Change Assigned Judge
	SCDF	KELSO	Supreme Court Document Filed- Misc-"Clerk's Certificate Filed"-3/17/2011
3/19/2011	TRAN	KELSO	Transcript Filed-Motion to Dismiss 0/5/2010,Motion to Dismiss 10/21/2010, Jury Trial and Sentencing 01/18/2011
	NOTC	KELSO	Notice of Transcripts Lodged-Val Larson

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER.

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 JAN 26 A 8:26

MARIE SCOTT
CLERK DISTRICT COURT

THE STATE OF IDAHO,

Plaintiff,

COURT CASE NUMBER CR-2009-403
PROBABLE CAUSE AFFIDAVIT IN SUPPORT
OF ARREST AND/OR REFUSAL TO TAKE TEST

Tiffany L. Turbyfill

Defendant.

DOB [REDACTED]

SSN: [REDACTED]

DL#: TURBYTL173PO

State: Washington

State of Idaho,

County of Bonner

ss

I, Deputy Tim Reynolds, the undersigned, being first duly sworn on oath, depose and say that:

1. I am a peace officer employed by Bonner County Sheriff Office.

2. The defendant was arrested on 01-23-09

at 1941 ☐ AM ☒ PM for the crime of driving while under the influence of alcohol, drugs or any other
intoxicating substances pursuant to Section 18-8004 Idaho Code. Second or more DUI offense in the last five
years? ☒ YES ☐ NO ☒ FELONY ☐ MISDEMEANOR

3. Location of Occurrence: Highway 2 mile post 6

4. Identified the defendant as: Tiffany Turbyfill by: (check box)

☐ Military ID ☒ State ID Card ☐ Student ID Card ☐ Drivers License ☐ Credit Cards

☐ Paperwork found ☐ Verbal ID by defendant

Witness: identified defendant.

Other:

5. Actual physical control established by: ☐ Observation by affiant ☒ Observation by Officer

☐ Admission of Defendant to: , ☐ Statement of Witness:

☐ Other:

6. I believe that there is probable cause to believe the defendant committed such crime because of the following facts:

(NOTE: You must state the source of all information provided below. State what you observed and what you learned from someone else, identifying that person):

PROBABLE CAUSE FOR STOP AND ARREST: I was traveling West on Highway 2. In front of me was a black Chevy pickup, also traveling West on Highway 2. I observed the vehicle had a broken passanger taillight which was emitting white light to the rear. I initiated a traffic stop for the violation and the driver was subsequently arrested for Driving Under the Influence.

D.U.I. NOTES

Odor of alcoholic beverage

☒ Yes ☐ No

Admitted drinking alcoholic beverage

☒ Yes ☐ No

Slurred speech

☐ Yes ☒ No

Impaired memory

☐ Yes ☒ No

Glassy/bloodshot eyes

☒ Yes ☐ No

Sobriety Tests – Meets Decision Points?

Gaze Nystagmus

☐ Pass ☒ Fail

Walk & Turn

☐ Pass ☒ Fail

One Leg Stand

☐ Pass ☒ Fail

Crash Involved

☐ Yes ☒ No

Injury

☐ Yes ☒ No

Other _____

Drugs Suspected: ☐ Yes ☒ No

Drug Recognition Evaluation Performed ☐ Yes ☒ No

Reason Drugs are Suspected: _____

Prior to being offered the test, the defendant was substantially informed of the consequences of refusal and failure of the test as required by Section 18-8002 and 18-8002A, Idaho Code.

☒ Defendant was tested for alcohol concentration, drugs or other intoxicating substances. The test(s) was/were performed in compliance with Sections 18-8003 & 18-8004(4), Idaho Code and the standards and methods adopted by the Department of Law Enforcement.

BAC: 108/110 by: ☒ Breath Instrument Type: ☐ Intoxilyzer 5000 ☒ Alco Sensor Serial#: 1022085

☐ Blood AND/OR ☐ Urine Test Results Pending? ☐ Yes ☒ No (Attached)

Name of person administering breath test: Deputy Tim Reynolds

Date certification expires: 06-30-10

By my signature and in the presence of a person authorized to administer Oaths in the State of Idaho, I hereby solemnly swear that the information contained in this document and attached reports and documents that may be included herein is true and correct to the best of my information and belief.

Dated: 1/23/2009

Signed: [Signature]
(affiant)

Subscribed and sworn to before me on 01/23/2009
(Date)

(or)

PERSON AUTHORIZED TO
ADMINISTER OATHS.

Title: _____

[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at: Sandpoint ID
My Commission expires: 6-26-2014

Revised 10-22-99

DEBRA BAKER
NOTARY PUBLIC
STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

Vs.

Tiffany L. Turbyfill)

DOB: [REDACTED]

Defendant,

AFFIDAVIT IN SUPPORT OF AFTER
HOURS WARRENTLESS ARREST

STATE OF IDAHO)

County of Bonner)

ss.

I, Deputy Tim Reynolds, being first duly sworn, state that I am the same person whose name is subscribed to the attached Criminal Complaint/Citation, and that my answers to the questions asked by the Court with reference to said Complaint are as follows:

1. Did you personally observe the act(s) being committed as alleged in the attached Complaint in Bonner County, STATE OF IDAHO?

ANSWER: yes

2. If so, please state what you observed which gave you reason to believe the individual charged committed a crime.

ANSWER: On 01-23-09 I observed a black Chevy pickup traveling West on highway 2. The vehicle had a broken passenger tail light that was emitting white light to the rear. The driver was arrested for Driving Under the Influence and Driving Without Privileges.

3. What further information do you have giving you reasonable grounds to believe that the defendant(s) committed the crime(s) alleged:

ANSWER: As I was speaking with the driver I could smell the odor of an alcoholic beverage coming from her breath. I asked the driver if she had anything to drink tonight, to which she replied " yes, two beers."

4. Do you think a warrant should be issued? (answer only if subject is not in custody)

ANSWER: In custody.

5. Set out any other information, if any, and it's source, as to why there is probable cause for this warrantless arrest.

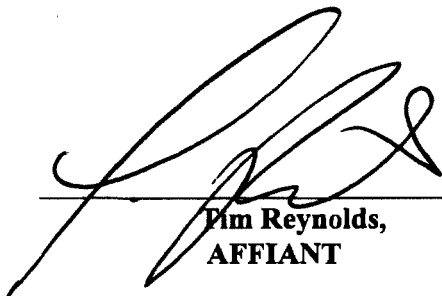
ANSWER: In custody.

The following documents are attached hereto and are incorporated by reference:

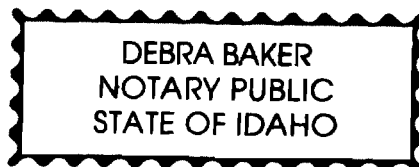
ATTACH CRIMINAL RECORD CHECK IF APPLICABLE

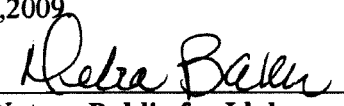
Note: For drug arrest briefly state your qualifications to identify substances and paraphernalia.

DATED this 23 day of January, 2009.


Tim Reynolds,
AFFIANT

SUBSCRIBED AND SWORN to before me this 23 of January, 2009




Notary Public for Idaho
Sandpoint ID
Residing in
6-26-2014
Commission Expires

ORDER

CR-2009-401

Based upon the above Affidavit, the court hereby finds that there is Probable Cause to believe that the crime has been committed, and that the defendant(s) committed said crime, on the _____ day of _____, _____, at _____ hours.

MAGISTRATE

01/26/09
08:11Bonner County Sheriff's Office
Deputy ReportPage: 580
1

Incident Number: 09-001393

Nature: Accident NonInj

Case Numbers:

Addr: 17000 Highway 2

City: Priest River

St: ID

Zip: 83856

Area: L1

BCSO District 1

Contact: Wanda Rabidu

Complainant:

Alert Codes:

Lst:

DOB: **/**/** SSN:

Rac: Sx: Tel:

Fst:

Adr:

Cty:

Mid:

St: Zip:

Reported:

Observed: TAPD Traffic Accident, Prop Da
OffenseCodes: TAPD Traffic Accident, Prop Da
DUI DUI Alcohol or Drugs

Circumstances:

Responding Officers: Reynolds, T 271
Cotter, J 37

Rspnsbl Officer: Reynolds, T Agency: BCSO

Received By: Cobb, R

Last RadLog: 21:11:38 01/23/09 CMPLT
How Received: T Telephone Clearance: RR Report Received by R

When Reported: 17:53:08 01/23/09

Disposition: 2 Disp Date: 01/26/09

Occurrd between: 17:53:08 01/23/09
and: 17:53:08 01/23/09Judicial Sts: PROS
Misc Entry:

Modus Operandi:

Factor

Description

Method

INVOLVEMENTS:

Date	Description	Relationship
01/26/09	Rabidue, Wanda Sue Elisa	Witness
01/23/09	Bedwell, Nathan Andrew	Passenger Vehicle 1
01/23/09	Pollard, Keith Robert	Passenger Vehicle 1
01/23/09	Turbyfill, Tiffany Leigh	Offender / Driver 1

01/26/09
08:11

Bonner County Sheriff's Office
Deputy Report

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Narrative Section

Dispatch Summary: Tiffany Leigh Turbyfill, from Washington, was arrested for Driving Under the Influence and Driving Without Privilege.

Offense: Felony Driving Under the Influence, Idaho Code 18-8005
Driving Without Privileges, Idaho Code 18-8001

Suspect:

Name: Tiffany Leigh Turbyfill
DOB: [REDACTED]
SOC/OLN: [REDACTED], Washington
Address: 1508 West Shannon Avenue; Spokane, Washington 99205
Phone: 509 624-9204

Witness:

Name: Keith Robert Pollard
DOB: [REDACTED]
SOC/OLN: [REDACTED], Washington
Address: 822 East Baldwin Avenue; Spokane, Washington 99207
Phone:

Witness:

Name: Nathan Andrew Bedwell
DOB: [REDACTED]
SOC/OLN: [REDACTED], Washington
Address: 7319 North Hamilton Street; Spokane, Washington 99208
Phone:

Witness:

Name: Wanda Sue Ellisa Rabidue
DOB: [REDACTED]
SOC/OLN: [REDACTED], Idaho
Address: 703 10th Street; Priest River, Idaho 83856
Phone: 208 448-0528; 208 611-2943 cell

Audio: yes
Video: no
Photographs: no
Evidence: yes

Officer(s) Involved: Deputy Tim Reynolds, Sergeant James Cotter, Priest River
Officer Chris Davis

Overview: On 01/23/09, I observed a black Chevy pickup traveling West on Highway 2. I observed that the right tail light was broken causing it to emit white light to the rear. I initiated a traffic stop for the violation and the driver was subsequently arrested for Felony Driving Under the Influence, Idaho Code 18-8004.

Narrative: On 01/23/09, at approximately 1845 hours, I was traveling West on Highway 2. In front of me, also traveling West on Highway 2, was a black Chevy pickup, Washington plate #A86412V. I observed that the right tail light was broken, causing it to emit white light to the rear, a violation of Idaho Code 49-906.

01/26/09
08:11Bonner County Sheriff's Office
Deputy Report580
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I activated my emergency lights to initiate a traffic stop. The vehicle came to a stop on Highway 2 at Mile Post 6, in Priest River, Bonner County Idaho. I spoke with the driver and asked for her drivers license, proof of insurance and registration. The driver verbally identified herself as Tiffany Leigh. Tiffany said she forgot her purse at work and her identification is in her purse. Tiffany said she has never had a drivers license, the only reason she was driving is because her passengers have been drinking. I asked Tiffany if she had a middle name, she replied "no." I asked Tiffany for the registration and proof of insurance. Tiffany was unable to locate these items for me. In the front passenger seat was a male and in the rear seat was another male. I asked if they had any identification on them. The front seat passenger handed me his Washington identification identifying him as Keith Pollard. The rear passenger handed me his Washington identification, identifying him as Nathan Bedwell.

As I was speaking with Tiffany I could smell the odor of an alcoholic beverage coming from her breath and clothes. I asked Tiffany if she has had any alcohol to drink tonight, she replied "I had two beers about 2 hours ago."

I had dispatch do a drivers check on Tiffany. Dispatch advised that there is no record found on Tiffany Leigh.

I asked Tiffany to step out and come to the rear of her vehicle. I told Tiffany that I was going to have her perform Field Sobriety Evaluations. I asked Tiffany if she is currently under a doctors care, she replied "no." I asked if she is taking any prescribed or non prescribed drugs, she replied "no." I asked if she would have any problems doing walk and turn evaluations, she replied "no." I asked if she had any problems with her ankles, knees, hips, neck or back. She replied she has a fractured vertebra in her neck. I asked if she wears contacts or glasses, she replied "no." I asked if she has had any head injuries within the last 6 months, she replied "no."

Horizontal Gaze Nystagmus:

I told Tiffany to stand with her hands at her sides and to keep her feet together while I explained the test. I told Tiffany to follow my pen light with her eyes only. I asked if she understood, she replied "yes." I used my pen light and held it approximately 14 inches away from her face, slightly above eye brow level. I observed there was distinct and sustained nystagmus at maximum deviation, and there nystagmus prior to 45 degrees. Tiffany had to be told several times to keep her head still.

Walk and Turn:

I told Tiffany to place her right foot in front of her left foot, and to keep her hands at her side. I explained and demonstrated this evaluation to her. I asked if she understood, she replied "yes." Tiffany had to be told to keep her right foot in front of her left foot. Tiffany raised her hands more than six inches, did an improper turn, and missed step four.

One Leg Stand:

I told Tiffany to stand with her feet together and to keep her hands at her side. I explained and demonstrated the evaluation to her. I asked if she understood, she replied "yes." Tiffany raised her right foot, raised her hands, was not looking at the tip of her toe, put her foot down at the count of 12. and started hopping.

01/26/09
08:11Bonner County Sheriff's Office
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I told Tiffany she was going to be detained to provide me with a breath sample. I placed Tiffany in hand cuffs checking for proper fit and double locking them. Tiffany was placed in the rear of my patrol vehicle. In my patrol vehicle I checked Tiffany's mouth for foreign objects. I read the ALS form to her and watched her for the 15 minute observation period. Tiffany provided me with 3 breath samples, with results of .054, .108, .110. At that time Tiffany was placed under arrest for Driving Under the Influence.

As the vehicle was being inventoried for a Tow Vehicle Inventory, Tiffany's Washington Identification card was found, identifying her as Tiffany Leigh Turbyfill. Dispatch was asked to run her drivers status using that name. Dispatch advised that she is suspended out of Washington, has two prior Driving Under the Influence convictions out of Washington, and has to have an Ignition Interlock Device. As dispatch was saying this Tiffany dropped her head and began to cry. I asked Tiffany why she lied to me about her real name. Tiffany replied "I'm sorry, I think I have warrants for my arrest in Washington."

Turbyfill was transported to the Bonner County Jail where she was booked for Felony Driving Under the Influence, Idaho Code 18-8004, and Driving While Suspended, Idaho Code 18-8001. The Driving Without Privileges charges were filled on citation #106984. I completed the proper paper work and have had no further contact. She was not issued a temporary drivers permit due to her license was suspended.

The Audio will be placed into evidence. The vehicle was towed by Priest River Towing and stored at Priest River Towing.

Attachments:

Citation 106984
Probable Cause Affidavit in Support of Arrest and/or Refusal
to Take Test
Affidavit in Support of After Hours Warrantless Arrest
Towed Vehicle Inventory
Teletype printout (2 pages)
Notice of Suspension for Failure of Evidentiary Testing
Alco Sensor results
Alco Sensor instrument operations log sheet

Report By: Deputy Tim Reynolds
Typed By: Deputy Tim Reynolds #271 Fri Jan 23 23:49:31 PST 2009/ejt
Approved By: Sergeant James Cotter Sat Jan 24 01:12:57 PST 2009
Copies To: Court, Prosecutor

1/26/09 D

Responsible LEO:-----
Approved by:-----
Date

Message Received From NLETS

Message Received From NLETS

WASHINGTON DEPARTMENT OF MOTOR VEHICLES

OLN/TURBYTL173P0

SOC/[REDACTED] 01-23-09 RESTRICTIONS:
TURBYFILL, TIFFANY LEIGH DOB/[REDACTED] FEMALE AREA/EQP
R/1508 W SHANNON AVE EYE/HAZ;HGT/5-09;WGT/160
R/SPOKANE WA 99205-4370

PROB LICENSE STATUS EFF DATE 110108 ENDS 110113
PDL:ISS/11-20-01 EXP/10-20-06 DUI/PC 002 VH 000 CDL:STATUS: NONE
STATUS: DWLS/R 3RD RD/DUI 000 VA 000
DWLS/R 1ST:000 DWLS/R 2ND:000 DWLS/R 3RD:000

RESTR EXPL: INTERLOCK REQ 110108-110109

PDL RECORD -REV ACTDTE: 05-16-06 REAS:ADM PERSE-2/S RELDTE: 05-16-11

DONOR: Y

MRI 9747722 IN: NLI1 15221 AT 20:52 23JAN09
OUT: SBOC 486 AT 20:52 23JAN09

Message Received From NLETS

Message Received From NLETS

RR.WADMV0099

19:00 01/23/2009 05522

19:00 01/23/2009 26914 ID0090011

*MRI9738332

TXT

LIC/A86412V

VIN/2GCEC19HXN1113316

.VYR/1992.VMA/CHEV .VMO/C1PU ,008000,09-20-2009

EXP DATE/09-20-2009

TAB# IS F951451 09

POLLARD,AIMIE E

PREV TAB U548813 08

9910 E 11TH AVE

PLATE ISSUE DATE/ 09-2004

SPOKANE VALLEY,WA,99206

FIRST COLOR IS BLACK

STERLING SAVINGS BANK

SECOND COLOR IS NO COLOR

PO BOX 2224

SPOKANE,WA,99210

TITLE/ 09-12-2006 0633440411

MRI 9738342 IN: NLI1 13857 AT 19:00 23JAN09

OUT: SBOC 419 AT 19:00 23JAN09

LOT NUMBER: _____

INSTRUMENT SERIAL NUMBER: 022085

I certify that this document is a true, exact, complete and unaltered photocopy of the original Instrument Calibrations Log.

Signature

Da

[illegible]



NOTICE OF SUSPENSION for Failure of Evidentiary Testing
(Advisory for Sections 18-8002 and 18-8002A, Idaho Code)

DR # 09-1-3

Issued To:

TURBYFILL TIFFANY LEIGH
Last Name First Middle Date of Birth
1508 W. CHANNON AVE
Mailing Address
SPokane WA 99205
City State Zip

Bonner 1-23-09 1941
County of Arrest Date of Arrest Time of Arrest
WA 10C
State License Class
Operating CMV? ☐ Yes ☒ No
Transporting Hazmat? ☐ Yes ☒ No
Citation #

SUSPENSION ADVISORY

1. I have reasonable grounds to believe that you were driving or were in physical control of a motor vehicle while under the influence of alcohol, drugs, or other intoxicating substances.
2. You are required by law to take one or more evidentiary tests to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in your body. After submitting to the test(s) you may, when practical, at your own expense, have additional tests made by a person of your own choosing.
3. You do not have the right to talk to a lawyer before taking any evidentiary tests to determine the alcohol concentration or presence of drugs or other intoxicating substances in your body.
4. If you refuse to take or complete any of the offered tests pursuant to Section 18-8002, Idaho Code:
 - A. You are subject to a civil penalty of two hundred fifty dollars (\$250).
 - B. Your Idaho driver's license or permit will be seized if you have it in your possession, and if it is current and valid you will be issued a temporary permit. Non-resident licenses will not be seized and will be valid in Idaho for thirty (30) days from the service of this notice of suspension unless modified or restricted by the court, provided the license is valid in the issuing state. If you were operating a commercial motor vehicle, any temporary permit issued will not provide commercial driving privileges of any kind.
 - C. You have a right to submit a written request within seven (7) days to the Magistrate Court of Bonner County for a hearing to show cause why you refused to submit to or complete evidentiary testing and why your driver's license should not be suspended.
 - D. If you do not request a hearing or do not prevail at the hearing, the court will sustain the civil penalty and your license will be suspended with absolutely no driving privileges for one (1) year if this is your first refusal; and two (2) years if this is your second refusal within ten (10) years.
5. If you take and fail the evidentiary test(s) pursuant to Section 18-8002A, Idaho Code:
 - A. Your Idaho driver's license or permit will be seized if you have it in your possession, and if it is current and valid you will be issued a temporary permit. Non-resident licenses will not be seized and shall be valid in Idaho for thirty (30) days from the service of this notice of suspension, provided the license is valid in the issuing state. If you were operating a commercial motor vehicle, any temporary permit issued will not provide commercial driving privileges of any kind.
 - B. I will serve you with this **NOTICE OF SUSPENSION** that becomes effective thirty days from the date of service on this **NOTICE**, suspending your driver's license or privileges. If this is your first failure of an evidentiary test your driver's license or driving privileges will be suspended for ninety (90) days, with absolutely no driving privileges during the first thirty (30) days. You may request restricted driving privileges for the remaining sixty (60) days of the suspension. Restricted driving privileges will not allow you to operate a commercial motor vehicle. If this is not your first failure of an evidentiary test within the last five (5) years, your driver's license or driving privileges will be suspended for one (1) year with absolutely no driving privileges of any kind during that period.
 - C. You have the right to an administrative hearing on the suspension before the **IDAHO TRANSPORTATION DEPARTMENT** to show cause why you failed the evidentiary test and why your driver's license should not be suspended. The request must be made in writing and be received by the department within seven (7) calendar days from the date of service of this **NOTICE OF SUSPENSION**. You also have the right to judicial review of the Hearing Officer's decision.

THIS SUSPENSION FOR FAILURE OR REFUSAL OF THE EVIDENTIARY TEST(S) IS SEPARATE FROM ANY OTHER SUSPENSION ORDERED BY THE COURT.

PLEASE REFER TO THE BACK OF THIS SUSPENSION NOTICE FOR MORE INFORMATION

NOTICE OF SUSPENSION: If you have failed the evidentiary test(s), your driving privileges are hereby suspended per #5 above, commencing thirty (30) days from the date of service of this notice. If a blood or urine test was administered, the department may serve a *Notice of Suspension* upon receipt of the test results.

Date of Service: 1-23-09

This Section Provides Temporary Driving Privileges.

(If the driver was operating a commercial vehicle, this permit will not provide commercial driving privileges of any kind.)

If issued, this permit grants the same driving restrictions and privileges as those granted by the license/permit seized (except as indicated above), and shall be valid for thirty (30) days from the date you were served this *Notice of Suspension* for failure or refusal of the evidentiary test(s), unless it is canceled or restricted by the court.

Permit Issued? ☒ Yes ☐ No License Surrendered? ☐ Yes ☒ No

A permit was not issued: ☒ Suspended ☐ Not in Possession ☐ Invalid ☐ Expired ☐ Issued by Another Jurisdiction ☐ Not Licensed

Signature of Temporary Licensee (if you are issued a permit, it is not valid until you sign it)

Signature of Reporting Officer:

Print Name and I.D. Number of Reporting Officer (PRINT)

Agency Code

Telephone Number

Department use only:

Failure: ☒ Breath

☐ Urine/Blood

☐ Refusal

White Copy (if failure) to ITD (to court if refusal)

Yellow Copy to Law Enforcement

Pink Copy to Court (if failure)

Goldenrod Copy to Driver

TEST RECORD
RET 111-9

PPT#3066 PPH/022085

TEST NO. 8072

01-22-62

BLANK

.000% 20:27

SUBJECT SAMPLE

.054% 20:24

BLANK

.000% 20:27

SUBJECT SAMPLE

.106% 20:25

BLANK

.000% 20:31

SUBJECT SAMPLE

.118% 20:33

BLANK

.000% 20:35

SUBJECT

Timothy Turberville

OPERATOR

T. REYNOLDS

TEST LOCATION

May 2, 1962

BONNER COUNTY SHERIFF TOWED VEHICLE INVENTORY

Time 1948 Date 1-23-09

Case Number 09-1393

Reason for Towing: Driver Arrest ☒ Abandoned ☐ Traffic Hazard ☐ Accident ☐ Private Property ☐

Other (Specify) _____

Location: Hwy 2 NP 6

Vehicle: Color Black Year 92 Make Chery Body CPU License 

V.I.N. 2GCEC194XN1113316

Vehicle Locked? ☐ Yes ☒ No

Registered Owner: AMIE POLLARD

Address: 9910 E 11th AVE SPOKANE VALLEY

Driver: TIFFANY LEIGH TURBYFILL

Address: 1508 W SHANNON AVE SPOKANE WA 99205

Glove Box: Locked? ☐ Yes ☒ No

Contents: 

Odometer Reading 203441

Interior Contents:

MISC clothes, blankets

	Yes	No
Radio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tape Deck	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C.B. Radio	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Trunk or Pickup Bed Contents:

SKIS, boots, cooler, clothes

	Yes	No
Key used to open	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Spare	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jack	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lug Wrench	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Body Damage:

All 4, Extensive front end, front under

Value of Vehicle: Less than \$200.00 ☒ Over \$200.00 ☐

Vehicle and contents stored at: P.R. TOWING

Vehicle towed by: PR TOWING

I hereby certify the items listed above were released to my custody by: _____

OK to release vehicle: Yes ☒ No ☐

Officer

Curtis Mullaly

X Signature of person receiving the vehicle and contents

Copy Disposition:

White - Case File

Yellow - Records Section

Pink - Registered Owner / Lien Holder

Goldenrod - Wrecker Operator

List all items retained by officer:

Impounding Officer: T. Reynolds 271

026 Signature of person Towing Company is releasing vehicle to

Amended

BCSO Report # 09-001393

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER.

2009 JAN 30 A 9 01
CR2009-403
MAILED
CLERK DISTRICT COURT

THE STATE OF IDAHO,

Plaintiff,

COURT CASE NUMBER DEPUTY
PROBABLE CAUSE AFFIDAVIT IN SUPPORT
OF ARREST AND/OR REFUSAL TO TAKE TEST

Tiffany L. Turbyfill

Defendant.

DOB: [REDACTED]

SSN: [REDACTED]

DL# [REDACTED]

State: Washington

State of Idaho,

County of Bonner

ss

I, Deputy Tim Reynolds, the undersigned, being first duly sworn on oath, depose and say that:

1. I am a peace officer employed by Bonner County Sheriff Office.

2. The defendant was arrested on 01-23-09
at 1941 ☐ AM ☒ PM for the crime of driving while under the influence of alcohol, drugs or any other
intoxicating substances pursuant to Section 18-8004 Idaho Code. Second or more DUI offense in the last five
years? ☒ YES ☐ NO ☒ FELONY ☐ MISDEMEANOR

3. Location of Occurrence: highway 2 mile post 6

4. Identified the defendant as: Tiffany Turbyfill by: (check box)

☐ Military ID ☐ State ID Card ☐ Student ID Card ☒ Drivers ☐ Credit Cards

☐ Paperwork found ☐ Verbal ID by defendant

Witness: identified defendant.

Other:

5. Actual physical control established by: ☐ Observation by affiant ☒ Observation by Officer

☐ Admission of Defendant to: , ☐ Statement of Witness:

☐ Other:

6. I believe that there is probable cause to believe the defendant committed such crime because of the following facts:

(NOTE: You must state the source of all information provided below. State what you observed and what you learned from someone else, identifying that person):

PROBABLE CAUSE FOR STOP AND ARREST: On 01-23-09 I observed a black Chevy pickup traveling West on highway 2. The vehicle had a broken passenger tail light that was emitting white light to the rear. The driver was arrested for Driving Under the Influence and Driving Without Privileges. Due to the fact that Turbyfill provided with an inadequate first breath sample, the Alco sensor asked for a third breath sample. Due to the fact that there is not enough room on the BAC results to type in three results I will have to write them in by hand.

D.U.I. NOTES

Odor of alcoholic beverage ☒ Yes ☐ No
Admitted drinking alcoholic beverage ☒ Yes ☐ No
Slurred speech ☒ Yes ☐ No
Impaired memory ☐ Yes ☒ No
Glassy/bloodshot eyes ☒ Yes ☐ No

Sobriety Tests – Meets Decision Points?

Gaze Nystagmus ☐ Pass ☒ Fail
Walk & Turn ☐ Pass ☒ Fail
One Leg Stand ☐ Pass ☒ Fail

Crash Involved ☒ Yes ☐ No
Injury ☐ Yes ☒ No

Other _____

Drugs Suspected: ☐ Yes ☒ No Drug Recognition Evaluation Performed ☐ Yes ☒ No

Reason Drugs are Suspected: _____

Prior to being offered the test, the defendant was substantially informed of the consequences of refusal and failure of the test as required by Section 18-8002 and 18-8002A, Idaho Code.

☒ Defendant was tested for alcohol concentration, drugs or other intoxicating substances. The test(s) was/were performed in compliance with Sections 18-8003 & 18-8004(4), Idaho Code and the standards and methods adopted by the Department of Law Enforcement.

BAC: .054 ^{.108} by: ☒ Breath Instrument Type: ☐ Intoxilyzer 5000 ☒ Alco Sensor Serial#: 1022085

☐ Blood AND/OR ☐ Urine Test Results Pending? ☐ Yes ☒ No (Attached)

Name of person administering breath test: T. Reynolds Date certification expires: 06-30-10

By my signature and in the presence of a person authorized to administer Oaths in the State of Idaho, I hereby solemnly swear that the information contained in this document and attached reports and documents that may be included herein is true and correct to the best of my information and belief.

Dated: 1/28/2009

Signed: [Signature]
(affiant)

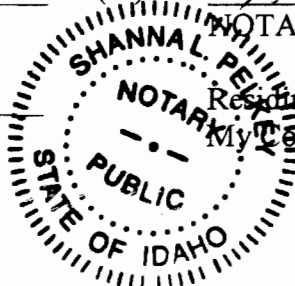
Subscribed and sworn to before me on 01/28/2009
(Date)

(or)

PERSON AUTHORIZED TO
ADMINISTER OATHS.

Title: _____

Revised 10-22-99



NOTARY PUBLIC FOR IDAHO

Residing at: Ardenpoint
My Commission expires: 4/4/13

ORDER

Based upon the above Affidavit, the Court hereby finds that there is Probable Cause to believe that a crime(s) have been committed, and that the Defendant committed said crime(s).

Dated this _____ day of _____, _____, at _____ hours.

MAGISTRATE

	Charge	Idaho Code	Violation
1.	DUI	18-8004	
2.	Driving While Suspended	18-8001	
3.			
4.			

01/29/2009
09:18

Bonner County Sheriff's Office
Law Supplemental Narrative:

337
Page: 1

Incident Number: 09-001393 Name: Reynolds, T
Sequence Number: 1 Date: 16:35:10 01/28/2009
Narrative
(See below)

=====

Narrative:

Offense: Felony Driving Under the Influence, Idaho Code 18-8005
Driving Without Privileges, Idaho Code 18-8001

Suspect:

Name: Tiffany Leigh Turbyfill
DOB: [REDACTED]
SOC/OLN: [REDACTED] Washington
Address: 1508 West Shannon Avenue; Spokane, Washington 99205
Phone: 509 624-9204

Witness:

Name: Keith Robert Pollard
DOB: [REDACTED]
SOC/OLN: [REDACTED] Washington
Address: 822 East Baldwin Avenue; Spokane, Washington 99207
Phone:

Witness:

Name: Nathan Andrew Bedwell
DOB: [REDACTED]
SOC/OLN: [REDACTED] Washington
Address: 7319 North Hamilton Street; Spokane, Washington 99208
Phone:

Witness:

Name: Wanda Sue Ellisa Rabidue
DOB: [REDACTED]
SOC/OLN: [REDACTED] Idaho
Address: 703 10th Street; Priest River, Idaho 83856
Phone: 208 448-0528; 208 611-2943 cell

The first breath sample that Turbyfill provided was a shallow breath sample, with results of .054. The second breath sample was a deep lung breath sample, with results of .108. Because there was a significant difference between the first and second sample the Alco sensor instrument asked for a third sample, with results of .110.

Report by: Deputy Tim Reynolds #271 Wed Jan 28 16:40:34 PST 2009
Typed by: Deputy Tim Reynolds/slm

Approved: Sergeant James Cotter Thu Jan 29 02:05:24 PST 2009
Copies to: Court, Prosecutor

ORIGINAL

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 MAR -4 P 4: 56

BONNER COUNTY PROSECUTING ATTORNEY
127 S. First
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

MARIE SCOTT
CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,)	
Plaintiff,	)	CASE NO. CR-2009-403
)	
vs.	)	FELONY COMPLAINT
)	
TIFFANY LEIGH TURBYFILL,)	
DOB: [REDACTED])	
OLN: [REDACTED])	
Defendant.)	

THE STATE OF IDAHO, BY AND THROUGH THE BONNER COUNTY PROSECUTING
ATTORNEY, ALLEGES THAT:

On January 23, 2009, TIFFANY LEIGH TURBYFILL drove a motor vehicle on a public
highway in Bonner County, Idaho while under the influence of alcohol, drugs or other intoxicants, or
with an alcohol concentration of .08 or more.

If proved, this conduct constitutes the crime of DRIVING UNDER THE INFLUENCE in
violation Idaho Code 18-8004(1)(a).

March 4, 2009.


PROSECUTING ATTORNEY

FELONY ENHANCEMENT

THE STATE FURTHER ALLEGES THAT:

On July 26, 2006, TIFFANY LEIGH TURBYFILL was found guilty in Spokane Municipal Court, Spokane County, Washington Case No.B49311 of DRIVING UNDER THE INFLUENCE in violation of RCW 46.61.502(2), a violation substantially conforming to a violation of Idaho Code 18-8004.

AND

On June 24, 2002, TIFFANY LEIGH TURBYFILL was found guilty in District Court, Spokane County, Washington Case No.C400845 of DRIVING UNDER THE INFLUENCE in violation of RCW 46.61.502, a violation substantially conforming to a violation of Idaho Code 18-8004.

If proved, this conduct constitutes the crime of DRIVING UNDER THE INFLUENCE, FELONY, in violation of Idaho Code 18-8004(1)(a) and 18-8005(5).

March 4, 2009.



PROSECUTING ATTORNEY

STATE OF IDAHO, COUNTY OF BONNER VS

NAME: TIFFANY LEIGH TURBYFILL

CASE #: CR 2009-0000403

NOTIFICATION OF RIGHTS:

CASE CALLED 9:10 to 9:14 DATE: 03/27/2009 TIME: 8:30 A M.

CD # 09-085

JUDGE: DEBRA HEISE

CLERK: LYNNE ANDERSON

☐ Traffic ☒ First Appearance ☐ Pay or Appear ☐ Other

APPEARANCES

☒ Defendant ☐ Other
☐ Def Attorney ☐ Pros. Attorney

FAILURE TO APPEAR:

☐ Defendant having failed to appear, and good cause not shown for such absence

IT IS ORDERED:

☐ Bench Warrant Issued \$ Bond ☐ Bond Forfeited
☐ Referred to Prosecuting Attorney for probable cause to issue arrest warrant

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

CHARGE AMENDED:

☒ Defendant is informed of the charges against him/her and all legal rights, including the right to be represented by counsel.
☒ Defendant advised of maximum penalties and penalties for subsequent violations.
☐ Defendant waives right to counsel and understands ☐ Hire own attorney.
☒ Defendant sworn.
☒ Public Defender appointed: BCPD
☐ Court denies court appointed counsel. ☐ Defendant waives right to Public Defender
☐ Matter continued to: at

PRELIMINARY HEARING:

☐ Statutory time waived ☐ Preliminary hearing waived
☒ Set preliminary hearing ☐ 14 days ☒ 21 days

DEFENDANT/JUDGE ENTERS PLEA OF NOT GUILTY

☐ Set for Pre-Trial Conference and Jury Trial ☐ Set for Court Trial

ENTRY OF GUILTY PLEA:

☐ Defendant enters plea freely and voluntarily with knowledge of consequences.
☐ Defendant is advised of rights waived on plea of guilty and understands
☐ Defendant denies that any threats or promises have been made.
☐ Pleas of guilty accepted by the court
☐ Set for SENTENCING on: at Judge:
☐ Defendant ordered to obtain alcohol evaluation prior to sentencing date

BAIL:

☐ Released on own recognizance ☐ bail set at: \$ Case/cnt:
☐ Remanded to the custody of the Sheriff \$ Case/cnt:
☐ Released on bond previously posted \$ Case/cnt:
☐ Warrant of Attachment \$ Days jail in lieu of fine/costs

INDEX

SPEAKER

PHASE OF CASE

INDEX	SPEAKER	PHASE OF CASE
	J	WE WILL GIVE THE PUBLIC DEFENDER THIS ADDRESS THAT YOU PROVIDED AND ALL HEARING NOTICES WILL BE SENT TO THEM.

CASE #: CR-2009-403

NAME: Tiffany Turbyfill

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATEMENT OF DEFENDANT'S RIGHTS: DRIVING UNDER THE INFLUENCE CASES

1. You have the right to remain silent; any statement you make may be used against you.
2. You have the right to an attorney to represent you at all stages of these proceedings; if you are poor and unable to pay counsel, you are entitled to a Court appointed attorney at public expense.
3. You have the right to a jury trial and to compel the attendance of witnesses on your behalf without expense to you.
4. You have the right to confront, to see, to hear and to ask questions of any witness who testifies against you. You have the right to testify on your own behalf but you cannot be compelled to do so and your silence will not be used against you.
5. You have the right to require the state to prove beyond a reasonable doubt that you have committed the offense charged.
6. You have the right to appeal the conviction.
7. You have the right to be released on bail pending further proceedings.
8. You may enter a plea of guilty or not guilty at this time or request a continuance in order to consult your attorney as to the plea.
9. **GUILTY PLEA.** If you plead **GUILTY**, you give up or waive all of the above rights except your right to have an attorney and your right to appeal.
10. **NOT GUILTY PLEA.** If you plead **NOT GUILTY**, the court will ask you whether you wish to have a trial before a jury or a trial before a judge only, and will set a trial date.
11. If you plead **GUILTY**, or are found **GUILTY** at trial, the court will set a date for sentencing. Prior to sentencing you will be required to undergo, at your own expense, an alcohol evaluation which will be considered by the Court in determining the appropriate sentence. At sentencing you will be allowed to make any statement by way of explanation or mitigation.
12. If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.
13. If you plead guilty or are found guilty of **DRIVING UNDER THE INFLUENCE** or being in actual physical control of a motor vehicle (DUI) the **Minimum** and **Maximum** penalties are as follows:

A. For a **First DUI offense**: Up to six (6) months in jail; a fine up to one thousand dollars (\$1000.00); and a suspension of your driving privileges for thirty (30) days during which time absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days during which restricted privileges may be granted by the court.

Excessive. For a First DUI Offense where the defendant's alcohol concentration is 0.20 or above:

a) Sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year; b) May be fined an amount not to exceed two thousand dollars (\$2000.00); c) Shall surrender their drivers license or permit to the court; d) Shall have their driving privileges suspended by the court for an additional mandatory minimum period of one (1) year, after release from confinement, during which one (1) year period, absolutely no driving privileges of any kind may be granted.

B. A **Second DUI offense** within ten (10) years, including withheld judgments, is a misdemeanor and you:

- (1) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, and may be sentenced to not more than one (1) year; and
- (2) May be fined up to two thousand (\$2000.00) dollars; and
- (3) Shall surrender your drivers license to the court; and
- (4) Shall have your driving privileges suspended for a minimum of one (1) year during which absolutely no driving privileges of any kind may be granted; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the one (1) year license suspension.

C. **TWO DUI VIOLATIONS** when both violations involve an alcohol concentration of 0.20 or above, within five (5) years; **A THIRD DUI VIOLATION** within ten (10) years; or a **SUBSEQUENT DUI VIOLATION** with a previous felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years; including withheld judgments, is a felony and you:

- (1a) For **TWO DUI VIOLATIONS** involving an alcohol concentration of 0.20 or above: Shall be sentenced to the State Board of Corrections for not more than five (5) years; or if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days; or
- (1b) For a **THIRD DUI VIOLATION** within ten (10) years or a **SUBSEQUENT DUI VIOLATION** with a previous Felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years: Shall be sentenced to the State Board of Corrections for not more than ten (10) years. If the Court imposes a jail sentence instead of the state penitentiary it shall be for a minimum period of not less than thirty (30) days, the first (48) forty-eight hours of which must be consecutive, and ten (10) days of which must be served in jail; and
- (2) May be fined up to five thousand dollars (\$5000.00); and
- (3) Shall surrender your driver's license to the court; and
- (4) Shall have your driving privileges suspended for at least one (1) year and not more than five (5) years following your release from imprisonment, during which time you shall have absolutely no driving privileges; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the minimum one (1) year license suspension period.

14. If you plead guilty or are found guilty, a record of the conviction will be sent to the State Department of Transportation and becomes a part of your driving record.

HAVE READ THIS DOCUMENT OR HAD IT EXPLAINED TO ME AND HAVE RECEIVED A COPY.

DEFENDANT

Liffany Turbyfill

DATE

4-27-2009

FILED 3/27/09 AT 8:30 AM

CLERK OF THE DISTRICT COURT

BY Ja DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

APPLICATION FOR: Tiffany Turbyfill
DEFENDANT / JUVENILE / CHILD

BY Tiffany Turbyfill
DEFENDANT / PARENT / GUARDIAN

CASE NO. CR 2009-403

DATE OF BIRTH [REDACTED]

FINANCIAL STATEMENT AND ORDER

SOC. SECURITY [REDACTED]

NOTE: If this application is being made on behalf of a juvenile, please answer the following questions as they apply to his/her parents or legal guardian.

I, the above named defendant, being first duly sworn on oath, depose and say in support of my request for court appointed counsel:

My current address is: 1508 W. Shannon Spokane WA 99205
(Street or P.O. Box) City State Zip Code)

My current telephone number or message phone is: 509-327-2244

That I have been charged with the crime of _____
in the above entitled court and request the court to appoint counsel at county expense to represent me; that I agree, if ordered by the Court, to refund to said County such sum as the court may fix for the cost of my defense, upon such terms as the court may order.

BELOW IS A TRUE AND CORRECT STATEMENT OF MY FINANCIAL CONDITION:

1. EMPLOYMENT:

A. Employed: X yes _____ no B. Spouse Employed: _____ yes _____ no
C. If not employed, or self-employed, last date of employment _____
D. My employer is/was: 100 yrs of motorcycles
Address: Spokane WA

2. INCOME MONTHLY (Include income of spouse, if married): unknown new part time job

Wages before deductions	\$ _____	Other income: (Specify: Child Support, S.S., V.S., A.D.C.,	
Less Deductions	\$ _____	Food Stamps, etc.)	
Net Monthly Wages	\$ _____		\$ _____

3. EXPENSES MONTHLY:

Rent or Mortgage Payment	\$ <u>495.00</u>	Child Care	\$ _____
Utilities	\$ _____	Recreation	\$ _____
Clothing	\$ _____	Medical	\$ _____

3. EXPENSES MONTHLY (Continued)

Transportation	\$ 50	Insurance	\$
School	\$ NONE at this time	Other: (Specify)	\$
Food	\$ 100		\$

DEBTS: Creditor Unknown Total \$ _____ per mo.
 Creditor _____ Total \$ _____ per mo.

4. ASSETS:

A. I (we) have cash on hand or in banks	\$ 0
B. I (we) own personal property valued at	\$ 0
C. I (we) own vehicle(s) valued at	\$ 0
D. I (we) own real property valued at	\$ 0
E. I (we) own stocks, bonds, securities, or interest therein	\$ 0

5. THE FOLLOWING ALSO AFFECTS MY FINANCIAL CONDITION (Specify): _____

6. DEPENDENTS: ☒ Self _____ Spouse _____ Children _____ Other (specify) _____
 (number)

Tiffany Turaypell
 APPLICANT

Subscribed and sworn to before me this 27 day of March, 2009.

Debra A. Heene

The above named ☒ defendant _____ parent _____ guardian appeared before the court on the aforesaid charge and requested the aid of counsel. The court having considered the foregoing, and having personally examined the applicant; ☒ ORDERS _____ DENIES the appointment of the service of counsel in all matters pertaining to this action at county expense.

The _____ defendant _____ parent _____ guardian is required to reimburse the county for the services of counsel, at a rate of \$ _____ per month, commencing _____, 20____ and continuing until notified by the court.

DATED this 27 day of March, 2009.

Debra A. Heene
 JUDGE

Custody Status: _____ In ☒ Out

Bond \$ _____

Copies To:

☒ Prosecuting Attorney Roger
☒ Public Defender
☐ Public Defender notified by phone

3/27/09
 Date

La
 Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER
JANET K. WHITNEY, ISBN 6624
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

2009 MAR 31 P 3:29
DISTRICT
COURT

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-09-0000403
)	
V.	)	NOTICE OF APPEARANCE,
	)	REQUEST FOR TIMELY
TIFFANY L. TURBYFILL,	)	PRELIMINARY HEARING,
	)	MOTION FOR BOND REDUCTION
Defendant.)	

COMES NOW, Janet K. Whitney, Chief Deputy Public Defender, and pursuant to court appointment hereby appears for and on behalf of the above named defendant in the above entitled matter, and requests that a preliminary hearing be scheduled in accordance with the time limits set forth in Idaho Criminal Rule 5.1.

Counsel hereby moves for reduction of the bond set in this matter on the grounds that it is excessive, and further, notice is hereby given that counsel will present argument in support of the motion to reduce bond at the time of the preliminary hearing scheduled in this matter if the defendant is in custody.

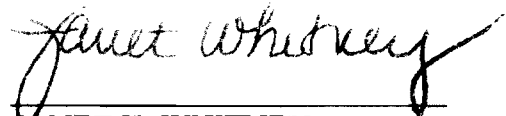
Notice is further given that the Defendant herewith asserts all rights accorded her under the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States and under Article I, § 13 of the Constitution of the State of Idaho and all prophylactic measures imposed

upon the State pursuant to said constitutional provisions; including, but not necessarily limited to, the right to remain silent and the right to counsel.

DATED this 31st day of March, 2009.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

BY:



JANET K. WHITNEY
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 31st day of March, 2009, addressed to:

Bonner County Prosecuting Attorney



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: JUSTIN W. JULIAN
DIVISION: MAGISTRATE
CLERK: MISSY SECK

CASE NO. CR-2009-0403
DATE: APR 15, 2009 TIME: 1:30 PM
CD # 09-101

STATE OF IDAHO

vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: ROGER HANLON

Atty: JANET WHITNEY

SUBJECT OF PROCEEDINGS
CHARGE

PRELIMINARY HEARING

INDEX	SPEAKER	PHASE OF CASE
147	J	Calls Case
		PRESENT: SHANE GREENBANK; JANET WHITNEY; DEFENDANT NOT PRESENT
	J	IS YOUR CLIENT PRESENT
	JW	DON'T BELIEVE SHE IS
	J	ANY REASON WHY SHE'S NOT
	JW	BELIEVE OUR OFFICE GOT A CALL FROM BOYFRIEND, IN CUSTODY IN SPOKANE.
	J	DEFENDANT FAILED TO APPEAR WITHOUT GOOD CAUSE BENCH WARRANT \$25,000 BAIL
148		END

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO
County of Bonner } ss
FILED 4-15-09
AT 3:00 O'clock P M
CLERK, DISTRICT COURT
Deputy

COPY

STATE OF IDAHO
Plaintiff,

vs.

Tiffany Leigh Turbyfill

1508 W. Shannon Ave.
Spokane, WA 99205
Defendant.

DOB: [REDACTED]
SSN: [REDACTED]

Case No: CR-2009-0000403

BENCH WARRANT

TO ANY SWORN PEACE OFFICER IN THE STATE OF IDAHO:

The Defendant in the above captioned case, having failed to appear for the following court hearing on the charge of: Driving Under The Influence

Preliminary Hearing in Magistrate Court on April 15, 2009 at 1:30 pm.
Judge: Justin W. Julian

Said Defendant having been released upon his/her own recognizance;

NOW, THEREFORE, THIS IS TO COMMAND YOU to forthwith arrest the above named Defendant and bring him/her before this Court.

() During the daytime only (☒) At any time of the day or night

Defendant may be arrested at their place of residence between the hours of 8:00 pm and 8:00 am.

(☒) Yes () No

Dated: 4/15/2009

Judge: [Signature]

Bond Amount: \$25000.00

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named Defendant on this _____ day of _____, _____.

Officer: _____

Agency: _____

BONNER COUNTY PUBLIC DEFENDER
JANET K. WHITNEY, ISBN 6624
 406 South Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

CLERK OF DISTRICT COURT
 BONNER COUNTY, IDAHO
 2009 APR 29 P 2: 26
 SCOTT
 DISTRICT COURT
 07

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
 MAGISTRATE DIVISION**

STATE OF IDAHO,)	
)	
Plaintiff,	)	CASE NUMBER CR-09-000403
)	
V.	)	MOTION TO QUASH WARRANT;
	)	NOTICE OF HEARING
TIFFANY L. TURBYFILL,)	
)	
Defendant.)	

COMES NOW, the Defendant, by and through her attorney, Janet K. Whitney, Chief Deputy Public Defender, and hereby moves this Honorable Court for its Order quashing the warrant previously issued herein, and to reinstate the bond, if any.


The foregoing Motion to Quash Warrant is brought on the grounds that Defendant was incarcerated in the Spokane County Jail at the time of her preliminary hearing in Bonner County.

NOTICE OF HEARING

Defendant's Motion to Quash Warrant shall be called on for hearing on May 8, 2009, at

the hour of 8:30 a.m., or as soon thereafter as counsel may be heard in front of the Honorable Debra Heise, Magistrate Judge.

DATED this 29th day of April, 2009.

OFFICE OF THE BONNER
COUNTY PUBLIC DEFENDER

JANET K. WHITNEY
CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 29th day of April, 2009, addressed to:

Bonner County Prosecuting Attorney



FIRST JUDICIAL DISTRICT COURT, STATE OF IDAHO
AND FOR THE COUNTY OF BONNE
215 S. FIRST AVENUE
SANDPOINT, IDAHO 83864

STATE OF IDAHO

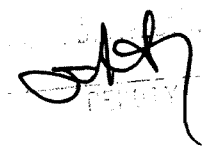
DATE: 5/8/2009

vs

Tiffany Leigh Turbyfill

CASE NO: CR-2009-0000493 53

Bonner County Sheriff's Office



WARRANT RECALL

YOU ARE HEREBY NOTIFIED that a bench warrant issued on Wednesday, April 15, 2009, against **Tiffany Leigh Turbyfill** is being recalled. Please return warrant immediately to this office.

Dated: May 8th, 2009
Marie Scott
Clerk Of The District Court

By: 
Deputy Clerk

FAXED TO BCSO JAIL RECORDS @ 9:53 AM 5-8-09

Recall Warrant of Arrest

DOC24 3/88

17178 ESO
RECEIVED

2009 MAY 11 A 9:52
BONNER COUNTY JAIL
Case No: CR-2009-0000403
BENCH WARRANT ORIGIN

046

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO
Plaintiff,
vs.

Tiffany Leigh Turbyfill

1508 W. Shannon Ave.
Spokane, WA 99205
Defendant.

DOB: [REDACTED]

SSN: [REDACTED]

Case No: CR-2009-0000403

BENCH WARRANT

COPY

TO ANY SWORN PEACE OFFICER IN THE STATE OF IDAHO:

The Defendant in the above captioned case, having failed to appear for the following court hearing on the charge of: Driving Under The Influence

Preliminary Hearing in Magistrate Court on April 15, 2009 at 1:30 pm.
Judge: Justin W. Julian

Said Defendant having been released upon his/her own recognizance;

NOW, THEREFORE, THIS IS TO COMMAND YOU to forthwith arrest the above named Defendant and bring him/her before this Court.

() During the daytime only (☒) At any time of the day or night

Defendant may be arrested at their place of residence between the hours of 8:00 pm and 8:00 am.

(☒) Yes () No

Dated: 4/15/2009

Judge: [Signature]

Bond Amount: \$25000.00

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named Defendant on this _____ day of _____, _____.

Officer: _____

Agency: _____

ORIGINAL

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 MAR -4 P 4: 56

BONNER COUNTY PROSECUTING ATTORNEY
127 S. First
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

MARIE SCOTT
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,)	
Plaintiff,	)	CASE NO. CR-2009-403
)	
vs.	)	FELONY COMPLAINT
)	
TIFFANY LEIGH TURBYFILL,)	
DOB: [REDACTED])	
OLN [REDACTED])	
Defendant.)	

THE STATE OF IDAHO, BY AND THROUGH THE BONNER COUNTY PROSECUTING
ATTORNEY, ALLEGES THAT:

On January 23, 2009, TIFFANY LEIGH TURBYFILL drove a motor vehicle on a public
highway in Bonner County, Idaho while under the influence of alcohol, drugs or other intoxicants, or
with an alcohol concentration of .08 or more.

If proved, this conduct constitutes the crime of DRIVING UNDER THE INFLUENCE in
violation Idaho Code 18-8004(1)(a).

March 4, 2009.


PROSECUTING ATTORNEY

FELONY ENHANCEMENT

THE STATE FURTHER ALLEGES THAT:

On July 26, 2006, TIFFANY LEIGH TURBYFILL was found guilty in Spokane Municipal Court, Spokane County, Washington Case No.B49311 of DRIVING UNDER THE INFLUENCE in violation of RCW 46.61.502(2), a violation substantially conforming to a violation of Idaho Code 18-8004.

AND

On June 24, 2002, TIFFANY LEIGH TURBYFILL was found guilty in District Court, Spokane County, Washington Case No.C400845 of DRIVING UNDER THE INFLUENCE in violation of RCW 46.61.502, a violation substantially conforming to a violation of Idaho Code 18-8004.

If proved, this conduct constitutes the crime of DRIVING UNDER THE INFLUENCE, FELONY, in violation of Idaho Code 18-8004(1)(a) and 18-8005(5).

March 4, 2009.



PROSECUTING ATTORNEY

Bonner County Sheriff's Office
Warrants/Records Division
Phone: 208-263-8417 ext 229
Fax: 208-265-4378
NCIC INFORMATION REQUEST

Date: April 16, 2009

To: Bonner County Prosecutor's Office

Regarding: Tiffany Leigh Turbyfill
[REDACTED]

DOB:

Court Case Number: CR09-403

Charge: FTA/Driving under the Influence

Additional Information: Please provide extradition limits.
Bond set at \$25,000.00.

Daryl Wheeler, Sheriff
Bonner County Sheriff Office

Eileen S Ocano
Records Clerk



Office of the
PROSECUTING ATTORNEY

127 S. First Avenue
Sandpoint, Idaho 83864-1300

(208) 263-6714
Fax (208) 263-6726

NCIC WANTED PERSON ENTRY AUTHORIZATION

DATE: APRIL 20, 2009
TO: BONNER COUNTY SHERIFF'S OFFICE
RE: TIFFANY LEIGH TURBYFILL
DOB: [REDACTED] SS# [REDACTED]
COURT CASE NO: CR-09-403

RECEIVED
APR 28 2009
BONNER COUNTY JAIL

This is your authorization to enter the above-mentioned Defendant into NCIC. The Bonner County Prosecuting Attorney's Office will extradite from:

WASHINGTON

SIGNED this 23 day of APRIL, 2009.



PROSECUTOR OR DEPUTY PROSECUTOR
BONNER COUNTY PROSECUTOR'S OFFICE

APR 17 2009

Bonner County Sheriff's Office
Warrants/Records Division
Phone: 208-263-8417 ext 229
Fax: 208-265-4378
NCIC INFORMATION REQUEST

Date: April 16, 2009

To: Bonner County Prosecutor's Office

Regarding: Tiffany Leigh Turbyfill
[REDACTED]

DOB:

Court Case Number: CR09-403 [REDACTED]

Charge: FTA/Driving under the Influence

Additional Information: Please provide extradition limits.
Bond set at \$25,000.00.

Daryl Wheeler, Sheriff
Bonner County Sheriff Office

Eileen S Ocano
Records Clerk

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

JUDGE: DEBRA A HEISE
DIVISION: MAGISTRATE COURT
CLERK: SUSAN AYERLE

CASE NO. CR-2009-403
DATE: MAY 8 2009 **TIME: 8:30 AM**
CD: 09-107

STATE OF IDAHO

vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: ROGER HANLON

Atty: JANET WHITNEY

SUBJECT OF PROCEEDINGS
CHARGE

MOTION TO QUASH WARRANT

INDEX	SPEAKER	PHASE OF CASE
926		Calls Case
		Present: DEF WITH JANET WHITNEY; ROGER HANLON FOR STATE
	JW	HAD PRELIMINARY HEARING SCHEDULED - SHE WAS IN CUSTODY IN SPOKANE WHY \$25,000 WARRANT REQUEST QUASH
	J	WILLING TO WAIVE RIGHT TO SPEEDY PRELIMINARY HEARING
	JW	YES
	J	CONDITIONS ON RELEASE
	JW	THERE ARE - REQUEST SHE ETG - SHE LIVES IN SPOKANE HAS LIST OF PROVIDERS APPROVED BY THE SPOKANE COURTS
	J	WHAT IS HER PROPOSAL HOW WOULD WE FIND OUT ABOUT THEM
	JW	FAX TO BAILIFF
	J	WHERE IS CONDITIONAL RELEASE ORDER
	RH	TYPICALLY ON COMPLAINT PROPOSE - NO OBJECTION TO DID SHE POST BOND ON MISDEMEANOR QUASH WARRANT OR RELEASE STANDARD TERMS AND CONDITIONS
	J	QUASH WARRANT OR RELEASE SUBJECT TO CONDITIONS 2 ETG PER WEEK FAX RESULTS TO US CONFIRMATION YOU ARE TAKING TEST WAIVED RIGHT TO SPEEDY PRELIMINARY HEARING RESET PRELIMINARY HEARING WITHIN 21 DAYS OF TODAY'S DATE CONDITIONS OF RELEASE WAIVE EXTRADITION NO ALCOHOL - VERIFY BY TESTING VIOLATE NO LAW DON'T OPERATE MOTOR VEHICLE
931		END

2009 MAY -8 A 9:56

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,	)	Case No. CR-2009-403
)	
Plaintiff,	)	ORDER
	)	QUASHING WARRANT AND
v.	)	SETTING CONDITIONS OF RELEASE
)	
TIFFANY TURBYFILL,)	
)	
Defendant.)	
_____)	

Roger Hanlon, Bonner County Prosecutor, the Defendant, TIFFANY TURBYFILL, and her attorney, JANET WHITNEY, having herein stipulated that the outstanding warrant be quashed and conditions of release be set, IT IS HEREBY ORDERED AS FOLLOWS:

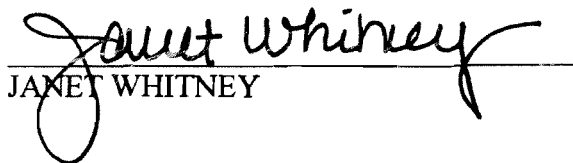
- 1) You shall sign a WAIVER OF EXTRADITION.
- 2) You shall consume no alcohol in any form.
- 3) You shall operate no motor vehicle on public or private property open to the public
- 4) You shall, commencing on Monday, May 11, 2009, submit to standard ETG testing at a private testing service of your choice, and at your expense, between 7:00 am and 11:00 am on Monday and Friday of each week. If the service will not be available to administer the test at the prescribed time, you shall submit to


testing at the same time on the last business day before and the next business day after the unavailable date.

- 1) You shall provide the service with a copy of this order.
- 2) You shall authorize and direct the service to fax your preliminary test results to the Bonner County Prosecuting Attorney at 208-263-6726.
- 3) You shall be deemed in violation of your conditions of release if:
 - a) You fail to report for any test.
 - b) You report late for any test.
 - c) The preliminary test results are positive, altered or dilute.
 - d) The preliminary test result is outside the normal range for Creatinine, Nitrite, Glutaraldehyde, pH, Specific Gravity or Oxidants.
 - e) The confirmed test result is outside the normal range for Creatinine, Nitrite, Glutaraldehyde, pH, Specific Gravity or Oxidants.
 - f) The test results are not received by the prosecutor's office.
- 4) The test results shall be presumptively valid, reliable and admissible in any hearing in which the test result is an issue.
- 5) In the event that TIFFANY TURBYFILL elects to challenge the test result, all cost incurred by the State to produce an expert witness shall be paid by TIFFANY TURBYFILL.

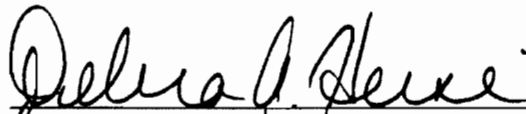
SO STIPULATED this 8 day of May, 2009.


TIFFANY TURBYFILL


JANET WHITNEY


DEPUTY PROSECUTOR

This ORDER having been submitted to the Court as a stipulated motion, it is hereby
adopted and SO ORDERED on this 8 day of May, 2009.


JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served 8 day of
May, 2009 on:

BCPA

By: GB by VDH

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

**JUDGE: DEBRA HEISE
DIVISION MAGISTRATE
CLERK: LYNNE ANDERSON**

**CASE NO. CR 2009-0000403
DATE: 05/27/2009 TIME: 1:30 PM
CD: 09-139**

STATE OF IDAHO

Vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: ROGER HANLON

Atty: JANET WHITNEY

SUBJECT OF PROCEEDINGS

PRELIMINARY HEARING

INDEX	SPEAKER	PHASE OF CASE
1:37	J	Calls Case
		Present: DEFENDANT FTA; JANET WHITNEY; ROGER HANLON
	J	BOTH OFFICERS ARE PRESENT. LOOKS LIKE THE STATE IS READY TO PROCEED.
	RH	YES
	J	DO YOU KNOW WHY MS TURBYFILL IS NOT PRESENT?
	JW	NO. WE SENT NOTICE OF THIS HEARING ON MAY 16 AND IT WAS NOT RETURNED. WE ATTEMPTED TO CALL HER YESTERDAY AND TODAY BUT DID NOT HAVE RETURN CALL FROM HER.
	J	I DON'T BELIEVE SHE POSTED A BOND IN THIS CASE.
	RH	REQUEST A BENCH WARRANT AND BOND TO BE \$25,000.00
	J	ORDER A BENCH WARRANT ISSUE AND SET BOND @ \$25,000.00
1:39		END

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

STATE OF IDAHO
County of Bonner
FILED: 5/28/09
AT 9:00 O'Clock A M
CLERK, DISTRICT COURT
Deputy Jk

STATE OF IDAHO
Plaintiff,

vs.

Tiffany Leigh Turbyfill

1508 W. Shannon Ave.
Spokane, WA 99205
Defendant.

Case No: CR-2009-0000403

BENCH WARRANT

DOB: [REDACTED]
SSN: [REDACTED]

COPY

TO ANY SWORN PEACE OFFICER IN THE STATE OF IDAHO:

The Defendant in the above captioned case, having failed to appear for the following court hearing on the charge of: Driving Under The Influence

Preliminary Hearing in Magistrate Court 05/27/2009 @ 1:30 PM
Judge: Debra A. Heise

Said Defendant having been released upon his/her own recognizance;

NOW, THEREFORE, THIS IS TO COMMAND YOU to forthwith arrest the above named Defendant and bring him/her before this Court.

() During the daytime only ☒ At any time of the day or night

Defendant may be arrested at their place of residence between the hours of 8:00 pm and 8:00 am.

☒ Yes ☒ No
JAL

Dated: 5/28/2009

Judge: Debra A. Heise

Bond Amount: \$25000.00

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named Defendant on this _____ day of _____, _____.

Officer: _____

Agency: _____

First Judicial District Court, State of Idaho
In and For the County of Bonner
215 S. First Avenue
Sandpoint, Idaho 83864

17252
RECEIVED *Am*

STATE OF IDAHO
Plaintiff,
vs.
Tiffany Leigh Turbyfill
1508 W. Shannon Ave.
Spokane, WA 99205
Defendant.

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
MAY 29 2009

2009 NOV -9 A 8:28 BONNER COUNTY JAIL

MARIE SCOTT
CLERK DISTRICT COURT
Case No: CR-2009-0000403
DEPUTY
BENCH WARRANT

DOB: [REDACTED]
SSN: [REDACTED]

ORIGINAL

TO ANY SWORN PEACE OFFICER IN THE STATE OF IDAHO:

The Defendant in the above captioned case, having failed to appear for the following court hearing on the charge of: Driving Under The Influence

Preliminary Hearing in Magistrate Court 05/27/2009 @ 1:30 PM
Judge: Debra A. Heise

Said Defendant having been released upon his/her own recognizance;

NOW, THEREFORE, THIS IS TO COMMAND YOU to forthwith arrest the above named Defendant and bring him/her before this Court.

() During the daytime only ☒ At any time of the day or night

Defendant may be arrested at their place of residence between the hours of 8:00 pm and 8:00 am.

☒ Yes ☒ No
JAH

Dated: 5/28/2009

Judge: *Debra A. Heise*

Bond Amount: \$25000.00

RETURN OF SERVICE

I HEREBY CERTIFY that I served the foregoing Warrant by arresting the above named Defendant on this
11 day of November, 2009.

Officer: *Officer 296*

Agency: *Bonner County Sheriff*

NOTIFICATION OF RIGHTS

STATE OF IDAHO
County of Bonner
FILED

STATE OF IDAHO
COUNTY OF BONNER
CLERK OF THE DISTRICT COURT

Deputy

2009 NOV -9 A 8

STATE OF IDAHO vs.

X Turbayill, Tiffany

Case No.

CR 09-401

CR-09-403

MARIE SCOTT
CLERK DISTRICT COURT

You have the right to remain silent. If you make any statements about your case, you will give up your right to remain silent and your statements could be used against you.

You have the right to hire an attorney, and the right to a reasonable extension of time so that you can obtain an attorney, or you may represent yourself without an attorney.

If you are indigent, there are some misdemeanors serious enough to allow you to make sworn application for an attorney at county expense. If an attorney is appointed for you, you could be required to repay the county at a later time.

You have the right to a speedy trial by jury, or you may request a trial by a judge.

You have the right to be present at your trial and to testify and cross-examine witnesses against you, but you cannot be forced to testify against your will.

You have the right to present a defense to the charges against you, and the right to subpoena witnesses to court to testify in your defense at no expense to you.

You are presumed innocent and the prosecution bears the burden of proving your guilt beyond a reasonable doubt.

You have the right to appeal within forty-two days from the time your case is concluded. You must file a written notice with the Clerk of the Court indicating that you wish to appeal.

You are required to notify the court of any change of address so long as your case is pending.

IF YOU ARE CHARGED WITH A MISDEMEANOR:

The general penalty for a misdemeanor is a maximum fine of \$1,000 plus court costs and a maximum jail sentence of 6 months. As with any general rule there are exceptions. The judge will notify you if there are different maximum penalties in your case.

After your charge is read, you will be asked to enter a plea of guilty, enter a plea of not guilty, or request a continuance before entering a plea.

If you enter a plea of not guilty, your case will be set for trial by the Calendar Clerk, and you or your attorney will be given notice of your trial date by mail.

If you enter a plea of guilty, you will give up the rights outlined above except the right to an attorney and the right to appeal. A plea of guilty has the same effect as a finding of guilt at trial.

Tiffany Turbayill

If you enter a plea of guilty, you may be sentenced at that time or sentencing may be scheduled for a future date. At sentencing you will be given a chance to make any explanation you think the judge should hear before sentence is imposed.

If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.

If you are sentenced to pay a fine, you should be prepared to pay your fine at that time. If you are unable to pay, then you must ask the court for additional time to make payment. If you fail to pay fines and costs assessed by the Court, you could be found in contempt of Court and sentenced to additional jail or fines for contempt.

IF YOU ARE CHARGED WITH A FELONY:

You have the additional right to a timely preliminary hearing in front of a Magistrate Judge.

If you remain in custody, the preliminary hearing must be held within fourteen (14) days, or within twenty-one (21) days if you are not in custody.

At the preliminary hearing the State bears the burden of proving by a preponderance of the evidence, meaning that it is more likely than not, 1) that the charged offense was committed within the jurisdiction, and 2) that you are the person who committed the offense.

During the preliminary hearing you have the right to be represented by counsel and to cross-examine the State's witnesses and call witnesses to testify in your defense.

If the State carries its burden of proof at the preliminary hearing, or if you decide to waive your right to a preliminary hearing, the Magistrate Judge will enter an order setting a date for you to appear before a District Court Judge for arraignment, at which time you will be asked by the District Judge to enter a plea of guilty or not guilty to the felony charge(s).

If the Magistrate Judge determines that the State has not carried its burden of proof at the preliminary hearing, an order dismissing the charge "without prejudice" will be entered, which means that the State has the option to refile the charge against you.

READ AND UNDERSTOOD

DATED: 11/07/09

Tiffany Trappell
Defendant's Signature

2009 NOV -9 A

MARIE SCOTT
CLERK DISTRICT C

DEPUTY

CASE #: CR-2009-403

NAME: TURBYVILLE, T.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATEMENT OF DEFENDANT'S RIGHTS: DRIVING UNDER THE INFLUENCE CASES

1. You have the right to remain silent; any statement you make may be used against you.
2. You have the right to an attorney to represent you at all stages of these proceedings; if you are poor and unable to pay counsel, you are entitled to a Court appointed attorney at public expense.
3. You have the right to a jury trial and to compel the attendance of witnesses on your behalf without expense to you.
4. You have the right to confront, to see, to hear and to ask questions of any witness who testifies against you. You have the right to testify on your own behalf but you cannot be compelled to do so and your silence will not be used against you.
5. You have the right to require the state to prove beyond a reasonable doubt that you have committed the offense charged.
6. You have the right to appeal the conviction.
7. You have the right to be released on bail pending further proceedings.
8. You may enter a plea of guilty or not guilty at this time or request a continuance in order to consult your attorney as to the plea.
9. **GUILTY PLEA.** If you plead **GUILTY**, you give up or waive all of the above rights except your right to have an attorney and your right to appeal.
10. **NOT GUILTY PLEA.** If you plead **NOT GUILTY**, the court will ask you whether you wish to have a trial before a jury or a trial before a judge only, and will set a trial date.
11. If you plead **GUILTY**, or are found **GUILTY** at trial, the court will set a date for sentencing. Prior to sentencing you will be required to undergo, at your own expense, an alcohol evaluation which will be considered by the Court in determining the appropriate sentence. At sentencing you will be allowed to make any statement by way of explanation or mitigation.
12. If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.
13. If you plead guilty or are found guilty of DRIVING UNDER THE INFLUENCE or being in actual physical control of a motor vehicle (DUI) the **Minimum** and **Maximum** penalties are as follows:

A. For a **First DUI offense**: Up to six (6) months in jail; a fine up to one thousand dollars (\$1000.00); and suspension of your driving privileges for thirty (30) days during which time absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days during which restricted privileges may be granted by the court.

Excessive. For a First DUI Offense where the defendant's alcohol concentration is 0.20 or above:

a) Sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year; b) May be fined an amount not to exceed two thousand dollars (\$2000.00); c) Shall surrender their drivers license or permit to the court; d) Shall have their driving privileges suspended by the court for an additional mandatory minimum period of one (1) year, after release from confinement, during which one (1) year period, absolutely no driving privileges of any kind may be granted.

B. A **Second DUI offense** within ten (10) years, including withheld judgments, is a misdemeanor and you:

- (1) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, and may be sentenced to not more than one (1) year; and
- (2) May be fined up to two thousand (\$2000.00) dollars; and
- (3) Shall surrender your drivers license to the court; and
- (4) Shall have your driving privileges suspended for a minimum of one (1) year during which absolutely no driving privileges of any kind may be granted; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the one (1) year license suspension.

C. **TWO DUI VIOLATIONS** when both violations involve an alcohol concentration of 0.20 or above, within five (5) years; **A THIRD DUI VIOLATION** within ten (10) years; or a **SUBSEQUENT DUI VIOLATION** with a previous felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years; including withheld judgments, is a felony and you:

- (1a) For **TWO DUI VIOLATIONS** involving an alcohol concentration of 0.20 or above: Shall be sentenced to the State Board of Corrections for not more than five (5) years; or if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days; or
- (1b) For a **THIRD DUI VIOLATION** within ten (10) years or a **SUBSEQUENT DUI VIOLATION** with a previous Felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years: Shall be sentenced to the State Board of Corrections for not more than ten (10) years. If the Court imposes a jail sentence instead of the state penitentiary it shall be for a minimum period of not less than thirty (30) days, the first (48) forty-eight hours of which must be consecutive, and ten (10) days of which must be served in jail; and
- (2) May be fined up to five thousand dollars (\$5000.00); and
- (3) Shall surrender your driver's license to the court; and
- (4) Shall have your driving privileges suspended for at least one (1) year and not more than five (5) years following your release from imprisonment, during which time you shall have absolutely no driving privileges; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the minimum one (1) year license suspension period.

14. If you plead guilty or are found guilty, a record of the conviction will be sent to the State Department of Transportation and becomes a part of your driving record.

I HAVE READ THIS DOCUMENT OR HAD IT EXPLAINED TO ME AND HAVE RECEIVED A COPY.

DEFENDANT

Dibany Tulejau

DATE 11-9-09

COURT MINUTES

STATE OF IDAHO vs **TIFFANY L TURBYFILL**

Defendant / Respondent

Atty:

INDEX	SPEAKER	PHASE OF CASE
-------	---------	---------------

CASE NO. CR-2009-401/CR-2009-403 DATE: 11-9-09
COURT MINUTES – IN CUSTODY VIDEO FIRST APPEARANCE

BONNER COUNTY PROSECUTING ATTORNEY
127 S. First
Sandpoint, ID 83864
(208) 263-6714
Fax: (208) 263-6726

STATE OF IDAHO
COUNTY OF BONNER
DISTRICT

2009 NOV 18 P 3: 24

CLERK OF DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
Plaintiff,	)	CASE NO. CR-2009-403
)	
vs.	)	INFORMATION
)	
TIFFANY LEIGH TURBYFILL,)	
DOB: [REDACTED])	
OLN: [REDACTED])	
Defendant.)	

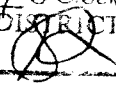
THE STATE OF IDAHO, BY AND THROUGH THE BONNER COUNTY PROSECUTING
ATTORNEY, ALLEGES THAT:

On January 23, 2009, TIFFANY LEIGH TURBYFILL drove a motor vehicle on a public
highway in Bonner County, Idaho with an alcohol concentration of .08 or more.

If proved, this conduct constitutes the crime of DRIVING UNDER THE INFLUENCE in
violation Idaho Code 18-8004(1)(a).

November 18, 2009.


PROSECUTING ATTORNEY

STATE OF IDAHO
County of Bonner
FILED 11/18/09
AT 3:34 O'Clock 2 M
CLERK, DISTRICT COURT

Deputy

FELONY ENHANCEMENT

THE STATE FURTHER ALLEGES THAT:

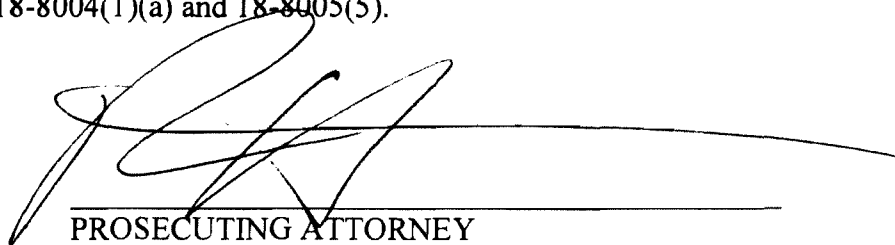
On July 26, 2006, TIFFANY LEIGH TURBYFILL was found guilty in Spokane Municipal Court, Spokane County, Washington Case No.B49311 of DRIVING UNDER THE INFLUENCE in violation of RCW 46.61.502(2), a violation substantially conforming to a violation of Idaho Code 18-8004.

AND

On June 24, 2002, TIFFANY LEIGH TURBYFILL was found guilty in District Court, Spokane County, Washington Case No.C400845 of DRIVING UNDER THE INFLUENCE in violation of RCW 46.61.502, a violation substantially conforming to a violation of Idaho Code 18-8004.

If proved, this conduct constitutes the crime of DRIVING UNDER THE INFLUENCE, FELONY, in violation of Idaho Code 18-8004(1)(a) and 18-8005(5).

November 18, 2009.


PROSECUTING ATTORNEY

Copy to counsel.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

NOV 18 P 3:24
DISTRICT COURT

STATE OF IDAHO,)
)
Plaintiff,)
vs.)
TIFFANY LEIGH TURBYFILL)
)
Defendant.)

CASE NO. CR-2009-403
ORDER HOLDING DEFENDANT
TO ANSWER

Preliminary hearing having been () waived (☒) held in this case on the 18th day of
November, 2009, and the Court being fully satisfied that a public offense has been
committed, and that there is probable or sufficient cause to believe the defendant guilty thereof;

IT IS HEREBY ORDERED that the defendant herein be held to answer in the District Court of the
First Judicial District of the State of Idaho, in and for the County of Bonner, to the charge of:
I18-8004(1)(a) - Driving Under The Influence, a Felony

a felony committed in Bonner County, Idaho, on or about the 23 day of January, 2009,
20 .

IT IS FURTHER ORDERED that the defendant herein shall be arraigned before the District Court of
the First Judicial District of the State of Idaho, in and for the County of Bonner on the 21st day of
December, 2009, at 9:00 a.m., before the Honorable Steven C. Verby,
who shall be the presiding judge in this action.

() Defendant is continued released on the bond posted.


() Defendant is continued released on his own recognizance.

☒ YOU, THE SHERIFF OF BONNER COUNTY, IDAHO, are commanded to receive him, the said
defendant, into your custody and detain him until he is legally discharged. Defendant is to be admitted to bail in
the sum of \$ 3,000.00.

Dated this 18th day of November, 2009.


Magistrate

I hereby certify that a true and correct copy of the foregoing was (mailed) (hand delivered) this 18th day of
November, 2009, to:


Deputy Clerk

(☒) PA (☒) DEF/ATTY () SHERIFF

ORDER HOLDING DEFENDANT TO ANSWER

067

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE:	WILLIAM C. HAMLETT	CASE NO.	CR-09-0403	
DIVISION:	MAGISTRATE	DATE:	11/18/09	TIME: 1:30 PM
CLERK:	SANDRA RASOR	CD:	09-281	

STATE OF IDAHO vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: ROGER HANLON

Atty: JANET WHITNEY

SUBJECT OF PROCEEDINGS PRELIMINARY
CHARGE

INDEX	SPEAKER	PHASE OF CASE
200	J	Calls Case
		Present: DEFENDANT IN CUSTODY, WITH JANET WHITNEY, ROGER HANLON
	J	CITES CHARGE, ENHANCEMENT PROVISION BASED UPON TWO WASHINGTON EVENTS
	JW	PROCEED TO TRIAL
	J	OK
	RH	I WILL LET COUNSEL REVIEW MY FIRST EXHIBITS
	RH	MOVE FOR ADMISSION OF EXHIBITS 1,2 AND 7
	JW	NO OBJECTION
	J	STATES EXHIBITS 1, 2 AND 7 ADMITTED
	RH	CALL TIM REYNOLDS
	CLERK	SWORN
	RH	DIRECT
210	TR	TIM REYNOLDS PATROL DEP BCSD, POST CERTIFIED, ID'S TIFFANY TURBYFILL, CONTACT IN PRIEST RIVER IDAHO, SHE WAS DRIVING A BLACK CHEVY PICKUP, SHE HAD A BROKEN OUT TAILLIGHT, AFTER CONTACT INVESTIGATION EXPANDED, I COULD SMELL ALCOHOL FROM HER BREATH, SHE SAID SHE HAD BEEN DRINKING. SHE PERFORMED FIELD SOBRIETY TESTS, NYSTAGMUS NOT SATISFACTORILY, WALK AND TURN NOT SATISFACTORY, 3 RD TEST NOT SATISFACTORY, USED ALCOSENSOR, I AM TRAINED IN OPERATION OF AND USED STANDARD PROCEDURES, VIES STATES EXHIBIT 5... LOG SHEET FOR ALCOSENSOR FOR THAT DAY, VIEWS EXHIBIT 4, VIEWS EXHIBIT 6, NO BURPING OR BELCHING DURING TESTING DESCRIBES PROCEDURE, 3 BREATH SAMPLES, ALL THREE RECORDED ON PRINTOUT, EXHIBIT NUMBER 3 COPY OF PRINTOUT,
212	RH	MOVE FOR ADMISSION OF 3,4,5 AND 6
	J	SHOW TO COUNSEL
	JW	NO OBJECTION
	J	STATES EXHIBITS 3,4,5 AND 6 ADMITTED
213	JW	CROSS
	TR	STOPPED HER ABOUT 6:45 IN THE EVENING, NYSTAGMUS RESULTS NOT IN REPORT, FIRST BREATH SAMPLE WAS .054, 2023 WAS THE TIME OF FIRST TEST, FOLLOW PROCEDURES IN MANUAL AND TRAINING, DURING 15 MINUTE WAIT I WAS IN VEHICLE WITH DEFENDANT, READING ALS AND WATCHING HER IN THE REAR VIEW MIRROR, DID NOT DEMONSTRATE HOW TO BLOW, I

		USUALLY EXPLAIN "LIKE BLOWING UP A BALLOON" I PRESSED THE BUTTON TO GET THE MEASUREMENT
217	RH	REDIRECT
	TR	DO NOT RECALL WHAT I OBSERVED DURING FIRST PHASE OF EVALUATION, (REFER TO NOTES) SHE HAD TO BE TOLD SEVERAL TIMES TO KEEP HER HEAD STILL,
218	J	OFFICER TAKE A LOOK AT EXHIBIT 3,
	TR	FIRST BLOW .054, 2 ND BLOW .108, (EXPLAINS POSSIBLE REASONS FOR DIFFERENCE) FIRST SAMPLE MAY HAVE BEEN INADEQUATE, THE INSTRUMENT ITSELF WILL ASK TO PROVIDE ANOTHER SAMPLE DUE TO SIGNIFICANT DIFFERENCE,
220	RH	REDIRECT
	TR	BECAUSE DIFFERENCE BETWEEN FIRST AND SECOND SAMPLE
	JW	OBJECT
	J	HE MAY KNOW
	TR	0.2..
	JW	RECROSS
	TR	I PRESSED THE BUTTON, SHE WAS OUT OF OXYGEN, THAT IS WHEN I PRESS THE BUTTON, ALWAYS DO TWO SAMPLES ON THE INSTRUMENT, INSTRUMENT ASKED FOR 3 RD SAMPLE, WILL BE REPLACED FOR SOMETHING NEWER AND FASTER IN A COUPLE YEARS, SEVERAL OF US THAT CAN CALIBRATE MACHINE, USUALLY WHOEVER USES CALIBRATES IT, LOG BOOK IS IN WITH INSTRUMENT ITSELF,
224	TR	LED ON PRINTER PART ASKS FOR THIRD SAMPLE, PRINTOUT ONLY HAPPENS AFTER ALL THE TESTS,
225	RH	REDIRECT
	TR	WHEN CALIBRATING CHECKING CALIBRATION,
	JW	RECROSS
227	RH	CALL JEREMY JOHNSTON
	CLERK	JEREMY JOHNSTON SWORN
	RH	DIRECT
	JJ	EMPLOYED BY IDAHO STATE DEPARTMENT OF FORENSIC SCIENCE, (STATES EDUCATIONAL AND WORK HISTORY NATURAL SCIENCE WAS MY UNDERGRADUATE, MASTERS IN FORENSIC SCIENCE, IN COURSE OF EMPLOYMENT WORK TO OVERSEE ALCOSENSOR TRAINING ETC. TEACH CLASSES TRAIN THOSE WHO TRAIN THE OFFICERS, INVOLVED WITH CALIBRATION OF INSTRUMENTS, DIDN'T KNOW WE HAD A WORKING ALCOSENSOR PRINTER, (EXPLAINS WHY THIRD BLOW IS NEEDED) (EXPLAINS WHY A MACHINE WOULD UNDER OR OVER REPORT) IF SAMPLES ARE DIFFERENT BY MORE THAN AN .02 IT WOULD ASK FOR A THIRD SAMPLE, THIRD SAMPLE DETERMINES IF AMOUNT WAS UNDER OR OVER REPORTING,
233	RH	HAND TO WITNESS TEST RESULTS
	JJ	BASED UPON REVIEW OF THE PRINTOUT (EXPLAINS WHAT MAY CAUSE UNDER REPORTING) SPECULATION ON MY PART TO KNOW WHY, IN THIS SEQUENCE FIRST BLOW IS THE UNDERREPORTED SAMPLE, 2 ND AND 3 RD CORRELATE QUITE WELL.
236	JW	CROSS
	JJ	WORK FOR IDAHO STATE POLICE, TRAIN THE BREATH TESTING SPECIALISTS, VERY FAMILIAR WITH ALCOSENSOR 3, RUNS ON A FUEL CELL, HAVE BEEN IN USE SINCE I BELIEVE THE EARLY 80S TENTATIVE DATE FOR NO LONGER CERTIFYING USED INSTRUMENTS 2013, PRETTY SOUND BUT NEW INSTRUMENTS HAVE BETTER TECHNOLOGY, UPGRADING SOFTWARE PACKAGE AROUND THE FUEL CELL, FIRST SAMPLE WAS INVALID 2 ND TWO WERE VALID, (HYPOTHETICALLY IF ALL THREE WERE .02 APART NONE

		WOULD BE VALIDATED OFFICER WOULD BE REQUESTED TO DO A BLOOD DRAW). (EXPLAINS HOW MACHINE CALIBRATION IS CHECKED) CHANGING TERMINOLOGY TO PERFORMANCE VERIFICATION OR PERFORMANCE CHECK RATHER THAN CALIBRATION, TESTIFY AT THESE TYPES OF HEARINGS WHENEVER I AM NEEDED,
246	RH	REDIRECT
	JJ	TWO SAMPLES WITHIN .02 WOULD HAVE BEEN VALID
247	RH	STATE RESTS
	JW	NO WITNESSES
247	RH	RESERVE RIGHT TO RESPOND
	J	ARGUE
	JW	ASK TO BE DISMISSED, ARGUMENT HAPPENED IN JAN/FEB, MAGISTRATE DECLINED TO HOLD MS. TURBYFILL UNDER STATE V KNOWLES, CLEAR ONE SAMPLE UNDERNEATH .08 CANNOT BE PROSECUTED, DOES NOT STATE IN POLICE REPORT THAT HE SAW THE FIRST PHASE OF HORIZONTAL GAZE NYSTAGMUS, MILLS IS A 1996 CASE,
251	J	REVIEWS COPY OF MILLS CASE
252	RH	ARGUMENT, QUESTION IS WHETHER OR NOT MILLS BARS PROSECUTION, EXPLAINS,
254	JW	FURTHER ARGUMENT
254	J	HAVING BEEN CONFRONTED WITH MILLS BEFORE I DECLINE TO DISMISS BASED UPON MILLS, YOU CAN TRY THAT ON THE DISTRICT COURT PHASE, THEY MAY HAVE A DIFFERENT VIEW OF EFFICACY OF THE TEST, DO FIND PC TO FIND MS. TURBYFILL WAS DRIVING AND WAS STOPPED DUE TO EQUIPMENT VIOLATION SO NO FACTUAL EVIDENCE OF ERRANT OPERATING OF VEHICLE, BUT WAS IN EXCESS OF THE .08 LEVEL, BIND OVER TO DISTRICT COURT SET FOR ARRAIGNMENT IN DISTRICT COURT DECEMBER 21 ST 2009 AT 9:00 AM
	J	LOOKING THROUGH THE HISTORY OF THIS CASE, WHAT TOOK SO LONG TO GET WHERE WE ARE
	JW	BASICALLY STATE DIDN'T FILE THEN ONCE THEY FILED THEY DID IT BY SUMMONS FTA GENERATED A WARRANT, SHE APPEARED WE QUASHED THEN SHE FTA AT FIRST PRELIMINARY HEARING, SHE WAS IN CUSTODY IN SPOKANE, ASK FOR BOND REDUCTION, SHE WAS IN CUSTODY FIRST TIME SHE WAS TO SHOW UP AND THEN MISUNDERSTOOD 2 ND DATE, WORKS FOR FATHER, GOING TO SCHOOL, HAS LIVED IN SPOKANE SINCE SHE WAS 8, RIGHT NOW A FEW MONTHS PREGNANT, SOME DIFFICULTY, BOYFRIEND AND FATHER ARE WILLING TO HELP HER GET TO COURT, THE BLOWS QUESTIONABLE AND LOW, URGE COURT TO REDUCE BOND TO \$5000, THERE WILL BE PRETRIAL MOTIONS AND ISSUES AT DISTRICT COURT LEVEL
	J	ANY OBJECTION TO \$5000 BOND
	RH	APPARENTLY NOT YOUR HONOR
	J	OTHER CHARGES... DWP?
	JW	\$2000 BOND ON OTHER CHARGE, BAILED OUT ON THAT, APPENDED TO FELONY, WE HAVE NOT HAD CONSOLIDATED,
302	RH	IF WAIVER OF SPEEDY TRIAL ON THE MISDEMEANOR WOULD CONSOLIDATE
303		OFF RECORD
305		ON RECORD
	J	REVIEWS CR-09-401 ALREADY HAVE SPEEDY TRIAL WAIVER ON MISDEMEANOR
	RH	I WOULD CONSOLIDATE
	J	VACATE APPEARANCES ON CR- 09-401 AND SET WITH OTHER FILE ON DECEMBER 21 ST IN DISTRICT COURT, THEY HAVE NOT BEEN CONSOLIDATED YET,

	DEF	BOND WAS REVOKED ON OTHER CHARGE
307	J	O.R. YOU ON THE MISDEMEANOR CASE, I WILL SET BOND AT \$3000 ON THE FELONY CASE, YOU MUST APPEAR IN DISTRICT COURT ON DECEMBER 21ST AT 9:00 OR'D ON THE MISDEMEANOR CASE, YOU MAKE SURE YOU ARE BACK HERE I DON'T CARE IF THERE ARE BLIZZARDS
309		END

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2009 DEC 18 P 3:49

STATE OF IDAHO

Plaintiff

Vs

TIFFANY L. TURBYFILL

Defendant

MARIE SCOTT
CLERK DISTRICT COURT
Case No. CR09-403
DEPUTY

) AFFIDAVIT OF
) ALCOHOL/DRUG TESTING
) NON-COMPLIANCE

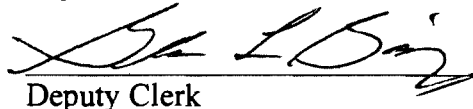
I, Paul Guthrie, being first duly sworn, depose and say:

1. That I am a Bailiff and a Deputy Clerk for Bonner County, Idaho. I am responsible for tracking the compliance of individuals ordered by the court to submit to alcohol and/or drug testing.
2. That TURBYFILL was in court on May 8, 2009 and was given a conditional release order requiring her to test (U/A) at any court certified location, willing to accept her, in the Spokane area.
3. Turbyfill did not comply and was subsequently picked up on a warrant.
4. On November 18, 2009 Turbyfill was again in court on her Preliminary hearing and had bond reduced to \$3000.00. She bonded out on the same day, the 18th, and has not tested to my knowledge. I have received no test results since the date of her release.



Paul Guthrie, Bailiff/Deputy Clerk

Subscribed and sworn before me on this 18th day of December, 2009.



Deputy Clerk

Cc: File
Pros. Office, Greenbank
Public Defenders
Bailiff's

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2009 DEC 21 A 11:11

MARIE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

BONNER COUNTY PROSECUTING ATTORNEY
P. O. BOX 1486
SANDPOINT, IDAHO 83864
(208) 263-6714
FAX: (208) 263-6726

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,	)	CASE NO. CR-2009-403
Plaintiff,)	
vs.	)	VERIFIED PETITION
	)	TO
TIFFANY LEIGH TURBYFILL,	)	REVOKE BAIL
Defendant.)	
_____)	

The Bonner County Prosecuting Attorney moves the Court to revoke the
Defendant's bail pursuant to Idaho Criminal Rule 46(e)(2).

In support of this application Deputy Prosecuting Attorney Roger Hanlon, upon
oath, alleges that:

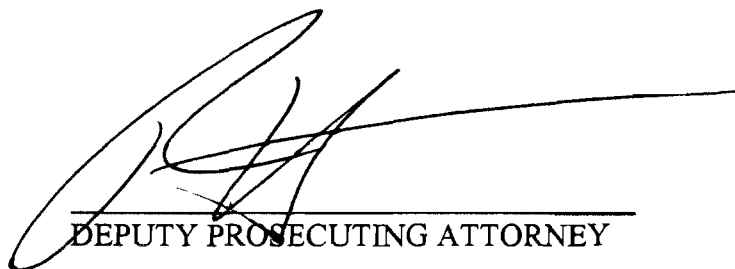
- 1) On March 27, 2009, TIFFANY LEIGH TURBYFILL made an initial
appearance, pursuant to a Summons, on a charge of Felony DUI. The
Public Defender was appointed to represent her. No bond or conditions of
release were set.

- 2) On April 15, 2009, TIFFANY LEIGH TURBYFILL failed to appear for a Preliminary Hearing. A Bench Warrant was issued with a \$25,000 bond.
- 3) On May 8, 2009, the April 15 Bench Warrant was quashed and Judge Debra Heise entered a stipulated order setting conditions of release. TIFFANY LEIGH TURBYFILL signed the stipulated order setting the conditions of release and acknowledged at her arraignment on December 21, 2009 that she was aware of the conditions.
- 4) On May 27, 2009 TIFFANY LEIGH TURBYFILL again failed to appear for Preliminary. A Bench Warrant was issued that was served on November 9, 2009.
- 5) TIFFANY LEIGH TURBYFILL remained in custody until her Preliminary Hearing on November 18, 2009. Following the hearing, bond was reduced to \$3000.00, was posted and TIFFANY LEIGH TURBYFILL was released from custody.
- 6) TIFFANY LEIGH TURBYFILL has willfully violated the conditions of release by failing to submit proof of compliance with testing for alcohol consumption as detailed in the Affidavit of Court Security Officer Paul Guthrie dated December 18, 2009.
- 7) Copies of the following documents are attached and incorporated by reference:
 - a) ISTARS ROA.
 - b) ORDER QUASHING WARRANT AND SETTING CONDITIONS OF RELEASE.

c) December 18, 2009 AFFIDAVIT of Paul Guthrie.

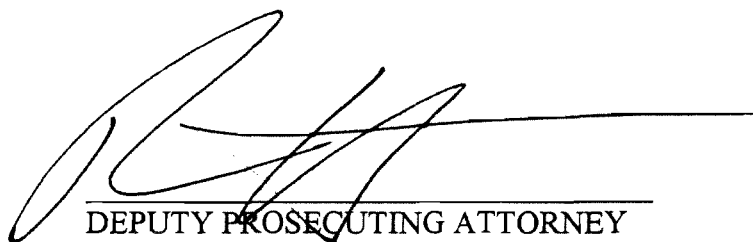
The Bonner County Prosecuting Attorney requests that TIFFANY LEIGH TURBYFILL be taken into custody for willfully violating the conditions of her release, that the Court increase her bond to \$50, 000.00 and that the testing requirement remain in effect if she posts bond.

December 21, 2009.



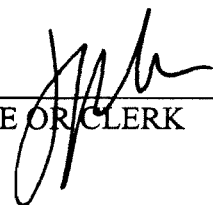
DEPUTY PROSECUTING ATTORNEY

I hereby certify that the statements in this VERIFIED PETITION are the truth, the whole truth and nothing but the truth, so help me God.



DEPUTY PROSECUTING ATTORNEY

Sworn and subscribed before me on December 21, 2009.



JUDGE OR CLERK

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User		Judge
01/26/2009	NCRF	FORELL	New Case Filed - Felony	Magistrate Court Clerks
	PROS	FORELL	Prosecutor assigned Roger M. Hanlon	Magistrate Court Clerks
01/30/2009	AFPC	TURNBULL	Affidavit Of Probable Cause	Magistrate Court Clerks
02/25/2009	OTHER	FORELL	Other finding: (I18-8004 {F} Driving Under The Influence) Roger to Refile Charges	Magistrate Court Clerks
03/04/2009	CRCO	FORELL	Criminal Complaint	Magistrate Court Clerks
03/05/2009	SMIS	FORELL	Summons Issued	Magistrate Court Clerks
	HRSC	FORELL	Hearing Scheduled (Arraignment/Criminal Summons 03/27/2009 08:30 AM)	Debra A. Heise
	XSEA	FORELL	Case Sealed	Debra A. Heise
03/23/2009	DRCD	AYERLE	Driving Record	Debra A. Heise
			Document sealed	
03/27/2009	XUNS	ANDERSON	Case Un-sealed	Debra A. Heise
	CTLG	ANDERSON	Court Log- 09-085	Debra A. Heise
	SDUI	ANDERSON	Statement Of Defendant's Rights-dui	Debra A. Heise
	ARRN	ANDERSON	Hearing result for Arraignment/Criminal Summons held on 03/27/2009 08:30 AM: First Appearance on Felony	Debra A. Heise
	ORPD	ANDERSON	Defendant: Turbyfill, Tiffany Leigh Order Appointing Public Defender Public defender Public Defenders	Debra A. Heise
03/31/2009	HRSC	FORELL	Hearing Scheduled (Preliminary 04/15/2009 01:30 PM)	Justin W. Julian
		FORELL	Notice of Hearing	Justin W. Julian
	NOAP	TURNBULL	Notice Of Appearance, request for timely preliminary hearing, motion for bond reduction	Justin W. Julian
	RQFD	TURNBULL	Defendant's Request For Discovery (DUI)	Justin W. Julian
04/09/2009	RQFD	TURNBULL	Plaintiff's Request For Discovery	Justin W. Julian
	RRFD	TURNBULL	Plaintiff's Response To Request For Discovery	Justin W. Julian
04/10/2009	RRFD	TURNBULL	Defendant's Response To Request For Discovery	Justin W. Julian
04/13/2009	RRFD	TURNBULL	Plaintiff's Supplemental Response To Request For Discovery	Justin W. Julian
04/15/2009	CTLG	SECK	Court Log- 09-101	Justin W. Julian
	FTAH	SECK	Hearing result for Preliminary held on 04/15/2009 01:30 PM: Failure To Appear For Hearing Or Trial	Justin W. Julian
	BSET	SECK	BOND SET: at 25000.00	Justin W. Julian
	WARB	SECK	Warrant Issued - Bench Bond amount: 25000.00 Failed to Appear at Preliminary Hearing in Magistrate Court on April 15, 2009 at 1:30 pm. Defendant: Turbyfill, Tiffany Leigh	Justin W. Julian
	XSEA	SECK	Case Sealed	Justin W. Julian

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User		Judge
04/15/2009	STAT	SECK	STATUS CHANGED: Inactive	Justin W. Julian
04/30/2009	MOTN	TURNBULL	Motion to quash warrant; notice of hearing	Justin W. Julian
	HRSC	TURNBULL	Hearing Scheduled (Motion 05/08/2009 08:30 AM)	Debra A. Heise
05/08/2009	WARQ	AYERLE	Warrant Quashed Failed to Appear at Preliminary Hearing in Magistrate Court on April 15, 2009 at 1:30 pm. Defendant: Turbyfill, Tiffany Leigh	Debra A. Heise
	XUNS	AYERLE	Case Un-sealed	Justin W. Julian
	STAT	AYERLE	STATUS CHANGED: Activate (previously inactive)	Justin W. Julian
		AYERLE	Warrant Recall Notice Sent	Debra A. Heise
	CHJG	AYERLE	Change Assigned Judge	Debra A. Heise
	CTLG	AYERLE	Court Log- 09-107	Debra A. Heise
	ORDR	AYERLE	Order Quashing Warrant and Setting Conditions of Release	Debra A. Heise
	GRNT	AYERLE	Hearing result for Motion held on 05/08/2009 08:30 AM: Motion Granted to quash warrant WARRANT QUASHED	Debra A. Heise
	WAVE	AYERLE	Waiver OF RIGHT TO SPEEDY PRELIMINARY HEARING	Debra A. Heise
05/11/2009	HRSC	FORELL	Hearing Scheduled (Preliminary 05/27/2009 01:30 PM)	Debra A. Heise
		FORELL	Notice of Hearing	Debra A. Heise
	WARN	AYERLE	Warrant Returned, No Service ORIGINAL FROM JAIL	Debra A. Heise
05/27/2009	CTLG	ANDERSON	Court Log- 09-130	Debra A. Heise
	FTAH	ANDERSON	Hearing result for Preliminary held on 05/27/2009 01:30 PM: Failure To Appear For Hearing Or Trial	Debra A. Heise
05/28/2009	WARB	ANDERSON	Warrant Issued - Bench Bond amount: 25000.00 Failed to Appear For Preliminary Hearing Defendant: Turbyfill, Tiffany Leigh	Debra A. Heise
	STAT	ANDERSON	STATUS CHANGED: Inactive	Debra A. Heise
11/09/2009	WART	FORELL	Warrant Returned Failed to Appear For Preliminary Hearing Defendant: Turbyfill, Tiffany Leigh	Debra A. Heise
	CHJG	AYERLE	Change Assigned Judge	Barbara Buchanan
	JLBS	AYERLE	Jail Booking Sheet	Barbara Buchanan
			Document sealed	
	NOTR	AYERLE	Notification of Rights	Barbara Buchanan
	SDUI	AYERLE	Statement Of Defendant's Rights-dui	Barbara Buchanan
	CTLG	AYERLE	Court Log- 09-261	Barbara Buchanan

State of Idaho vs. Tiffany Leigh Turbyfill

Date	Code	User	Judge
11/09/2009	JLIS	AYERLE	Jail Information Sheet
	BSET	AYERLE	BOND SET: \$25,000 AS PER WARRANT
	INHD	AYERLE	Interim Hearing Held
	CMIN	AYERLE	Court Minutes Hearing type: In Custodies Hearing date: 11/9/2009 Time: 1:14 pm Courtroom: Court reporter: Minutes Clerk: Susan Ayerle Tape Number: 09-261 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon
	DRCQ	AYERLE	Driving Record Requested
11/10/2009	HRSC	FORELL	Hearing Scheduled (Preliminary 11/18/2009 01:30 PM)
		FORELL	Notice of Hearing
11/12/2009	MISC	TURNBULL	Law supplemental narrative
11/16/2009	DRCD	AYERLE	Driving Record
			Document sealed
11/18/2009	CTLG	RASOR	Court Log- 09-281
	INFO	RASOR	Information
	CRCO	RASOR	Criminal Complaint Felony Enhancement
	OADC	RASOR	Order Holding Defendant To Answer To District Court
	JLIS	RASOR	Jail Information Sheet
	PHHD	RASOR	Hearing result for Preliminary held on 11/18/2009 01:30 PM: Preliminary Hearing Held
	BNDS	OPPELT	Bond Posted - Surety (Amount 3000.00)
11/19/2009	HRSC	RASOR	Hearing Scheduled (Arraignment/District Court 12/21/2009 09:00 AM)
	CMIN	RASOR	Court Minutes Hearing type: Preliminary Hearing date: 11/18/2009 Time: 2:00 pm Courtroom: Court reporter: Minutes Clerk: Sandra Rasor Tape Number: 09-281 Defense Attorney: Janet Whitney Prosecutor: Roger Hanlon
	NOTC	OPPELT	Notice to Defendants
12/18/2009	AFFD	GUTHRIE	Affidavit OF NON COMPLIANCE WITH DRUG TESTING.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER
MAGISTRATE DIVISION

STATE OF IDAHO,	)	Case No. CR-2009-403
)	
Plaintiff,	)	ORDER
	)	QUASHING WARRANT AND
v.	)	SETTING CONDITIONS OF RELEASE
)	
TIFFANY TURBYFILL,)	
)	
Defendant.)	
_____)	

Roger Hanlon, Bonner County Prosecutor, the Defendant, TIFFANY TURBYFILL, and her attorney, JANET WHITNEY, having herein stipulated that the outstanding warrant be quashed and conditions of release be set, IT IS HEREBY ORDERED AS FOLLOWS:

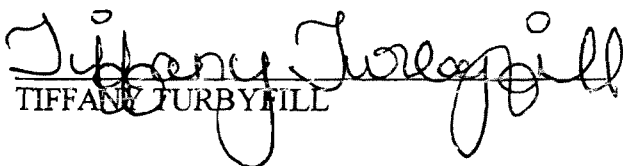
- 1) You shall sign a WAIVER OF EXTRADITION.
- 2) You shall consume no alcohol in any form.
- 3) You shall operate no motor vehicle on public or private property open to the public
- 4) You shall, commencing on Monday, May 11, 2009, submit to standard ETG testing at a private testing service of your choice, and at your expense, between 7:00 am and 11:00 am on Monday and Friday of each week. If the service will not be available to administer the test at the prescribed time, you shall submit to

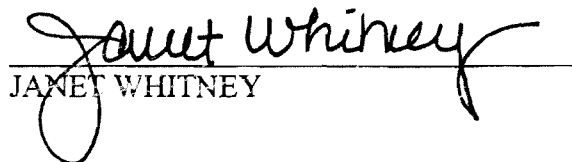
STIPULATED ORDER

testing at the same time on the last business day before and the next business day after the unavailable date.

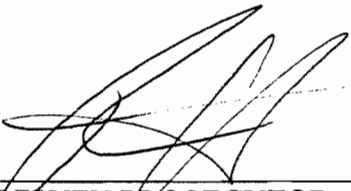
- 1) You shall provide the service with a copy of this order.
- 2) You shall authorize and direct the service to fax your preliminary test results to the Bonner County Prosecuting Attorney at 208-263-6726.
- 3) You shall be deemed in violation of your conditions of release if:
 - a) You fail to report for any test.
 - b) You report late for any test.
 - c) The preliminary test results are positive, altered or dilute.
 - d) The preliminary test result is outside the normal range for Creatinine, Nitrite, Glutaraldehyde, pH, Specific Gravity or Oxidants.
 - e) The confirmed test result is outside the normal range for Creatinine, Nitrite, Glutaraldehyde, pH, Specific Gravity or Oxidants.
 - f) The test results are not received by the prosecutor's office.
- 4) The test results shall be presumptively valid, reliable and admissible in any hearing in which the test result is an issue.
- 5) In the event that TIFFANY TURBYFILL elects to challenge the test result, all cost incurred by the State to produce an expert witness shall be paid by TIFFANY TURBYFILL.

SO STIPULATED this 8 day of May, 2009.


TIFFANY TURBYFILL

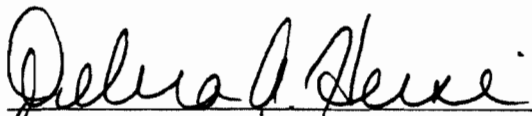

JANET WHITNEY

STIPULATED ORDER



DEPUTY PROSECUTOR

This ORDER having been submitted to the Court as a stipulated motion, it is hereby
adopted and SO ORDERED on this 8 day of May, 2009.



JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served _____ day of
_____, _____ on:

BCPA

By: _____

STIPULATED ORDER

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
2009 DEC 18 P 3:49

STATE OF IDAHO

Plaintiff

Vs

TIFFANY L. TURBYFILL

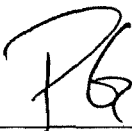
Defendant

MARIE SCOTT
CLERK DISTRICT COURT
Case No. CR09-403
DEPUTY

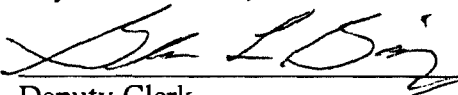
)
)
)
)
) AFFIDAVIT OF
) ALCOHOL/DRUG TESTING
) NON-COMPLIANCE
)

I, Paul Guthrie, being first duly sworn, depose and say:

1. That I am a Bailiff and a Deputy Clerk for Bonner County, Idaho. I am responsible for tracking the compliance of individuals ordered by the court to submit to alcohol and/or drug testing.
2. That TURBYFILL was in court on May 8, 2009 and was given a conditional release order requiring her to test (U/A) at any court certified location, willing to accept her, in the Spokane area.
3. Turbyfill did not comply and was subsequently picked up on a warrant.
4. On November 18, 2009 Turbyfill was again in court on her Preliminary hearing and had bond reduced to \$3000.00. She bonded out on the same day, the 18th, and has not tested to my knowledge. I have received no test results since the date of her release.


Paul Guthrie, Bailiff/Deputy Clerk

Subscribed and sworn before me on this 18th day of December, 2009.


Deputy Clerk

Cc: File
Pros. Office, Greenbank
Public Defenders
Bailiff's

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: CHERIE MOORE
DIVISION: DISTRICT

CASE NO. CR-2009-0000403/CR-2009-0000401
DATE: 12/21/2009 TIME: 9:00 AM
CD: 09-304

STATE OF IDAHO

vs. TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Attorney: ROGER HANLON

Attorney: JANET WHITNEY

SUBJECT OF PROCEEDINGS: ARRAIGNMENT – MOTION TO REVOKE BOND

INDEX	SPEAKER	PHASE OF CASE
	J	Calls Case
		Present: DEFENDANT, JANET WHITNEY, ROGER HANLON
	J	ROLL CALL – ADVISES DEFENDANT OF RIGHTS – 9:05 – 9:14]
9:26	J	DO YOU HAVE A COPY OF THE INFORMATION – TRUE NAME, SPELLED CORRECTLY?
	DEF	YES
	J	[CITES CHARGE, POTENTIAL PENALTY, FINE] – DOES YOUR CLIENT WISH TO WAIVE THE READING OF THE OTHER POTENTIAL CONSEQUENCES?
	JW	YES
	J	DOES YOUR CLIENT WISH TO WAIVE THE FORMAL READING OF THE INFORMATION AT THIS TIME?
	JW	YES
	J	ANY QUESTIONS TODAY ABOUT YOUR RIGHTS?
	DEF	NO SIR
	J	WISH TO ENTER A PLEA TODAY?
	DEF	YES
	J	WHAT IS YOUR PLEA?
	DEF	NOT GUILTY
	J	HOW MUCH TIME FOR TRIAL
	JW/RH	2 DAYS
	J	SET FOR TRIAL ON FEBRUARY 8TH AT 9:00 AM – PRETRIAL CONFERENCE FEBRUARY 4TH AT 2:00 PM –
	J	BEEN HANDED AN AFFIDAVIT BY MR. GUTHRIE – NONCOMPLIANT – YOU WERE IN COURT NOVEMBER 18 TH – BOND REDUCED TO \$3,000 – YOU BONDED OUT – REQUIRED TO TEST – MS. WHITNEY?
	JW	SHE WAS ORDERED TO TEST IN MAY – CONDITION WAS THAT SHE WAS TO TEST IN SPOKANE AND SEND IN THE RESULTS – SHE HAD A FAILURE TO APPEAR – DID NOT APPEAR UNTIL NOVEMBER – WE DID GO TO PRELIM – I HAD FORGOT ABOUT THE CONDITION AND THE ORDER – MR. GUTHRIE CALLED ME AND I REMEMBERED THE CONDITIONS OF RELEASE – I CALLED MS. TURBYFILL AND TALKED TO HER FATHER – SHE SAID SHE WENT TO A

		COUPLE OF PLACES BECAUSE SHE NEEDS A NEW COURT ORDER – I DON'T KNOW WHY THEY WOULD NEED THAT – MS. TURBYFILL IS PREGNANT – ONCE SHE WAS REMINDED, SHE DID TRY TO GET THE ETG BUT WASN'T ABLE
	J	MR. HANLON, YOUR POSITION?
	RH	I FIND IT HARD TO BELIEVE THAT SHE COULDN'T BE TESTED BECAUSE THE ORDER WAS TOO OLD – I DON'T THINK THAT IS A LIKELY STORY – IF SHE KNEW SHE WAS UNDER A COURT ORDER, THAT SHE WOULD HAVE BEEN IN CONTACT WITH HER ATTORNEY WITH A REQUEST TO SEEK CLARIFICATION – ORDER ALSO PROVIDES THAT SHE IS NOT TO DRIVE – I SUSPECT THAT SHE HAS BEEN DRIVING – I GOT THE AFFIDAVIT THIS MORNING AND HAVE NOT ASKED COURT TO ISSUE A WARRANT FOR MS. TURBYFILL BUT INTEND TO DO THAT
9:33	J	WHAT DO YOU WISH TO DO?
	JW	HER FATHER BROUGHT HER TODAY – ASK COURT TO GIVE HER ANOTHER CHANCE, SHE IS PREGNANT – I'LL GIVE HER ANOTHER COPY OF THE ORDER FIRST ENTERED – IF SHE DOESN'T COMPLY, THEN ISSUE A WARRANT
	J	WHAT WAS THE ORDER FOR?
	JW	SHE DIDN'T SHOW UP FOR THE PRELIMINARY HEARING – SHE WAS HAVING DIFFICULTIES IN SPOKANE – SHE WAS IN JAIL – HER FATHER HAS BEEN BRINGING HER UP HERE
	J	SET THIS MATTER FOR 2:00 PM THIS AFTERNOON TO ALLOW YOU MS. WHITNEY AND MR. HANLON TO WORK SOMETHING OUT – IF YOU'RE NOT HERE MS. TURBYFILL, I'LL SET A VERY LARGE BOND FOR FAILURE TO COMPLY WITH COURT ORDERS – BE HERE AT 2:00 O'CLOCK – ORDER YOU TO RETURN TO COURT
9:36	END	
2:00	RESUME	
	J	MR. HANLON HAS FILED A VERIFIED PETITION TO REVOKE BAIL – MR. HANLON, YOU WISH TO ADDRESS THIS?
	RH	I HAVE SET FORTH THE SPECIFICS TO HAVE THE COURT TO ORDER HER TO BE PUT BACK INTO CUSTODY – SHE SIGNED THAT ORDER – THIS MORNING SHE ACKNOWLEDGED TO THE COURT THAT SHE CONTACTED SOMEBODY TO DO THE TESTING – APPARENTLY THERE WAS NO EFFORT IN HER PART TO OBTAIN THE ORDER – SHE HAS FAILED TO APPEAR FOR SCHEDULED HEARINGS – I THINK IT WOULD BE APPROPRIATE THAT SHE BE TAKEN BACK INTO CUSTODY – SET BOND FOR \$50,000 – IF SHE CAN MAKE THAT OR SOME OTHER BOND, CLEAR TO HER THAT TERMS AND CONDITIONS TO BE FOLLOWED IN EARLIER ORDER
	J	MS. WHITNEY?
	JW	SHE WAS SUMMONED ON THIS CASE AFTER SHE WAS ARRESTED – THE STATE CHOSE NOT TO PROCEED INITIALLY – BLOW WAS UNDER .08 – WHEN SHE WAS AGAIN SUMMONED BACK INTO COURT ON THE 15 TH OF APRIL, SHE DID NOT APPEAR – SHE HAD THEN HAD 2 CASES – ONE IS A MISDEMEANOR AND THE OTHER IS A FELONY DUI – JUDGE HEISE SIGNED THE CONDITIONS OF RELEASE – SHE THEN MISSED A COURT DATE AND BECAME AFRAID TO DO ANYTHING – HER BONDSMAN CAME AND GOT HER – WE WENT TO PRELIMINARY HEARING – JUDGE HAMLETT BOUND HER OVER AND THERE WAS NO DISCUSSION OF HER CONDITIONS OF RELEASE – I DIDN'T REALIZE WHAT WAS HAPPENING UNTIL I TALKED TO MR. GUTHRIE AT THE COURTHOUSE – THIS WAS KIND OF A CONFUSING CASE – HER FATHER DID BRING HER HERE – SHE HAD DIFFICULTY GETTING HERE – MY CLIENT IS PREGNANT AND IS HAVING DIFFICULTY – SHE HAS A MEDICAL APPOINTMENT IN YAKIMA
	J	TAKE 10 MINUTE RECESS
	RH	I HAVE 2:00 O'CLOCK HEARING IN ANOTHER COURT

	J	OFF THE RECORD
2:07	END	
2:10	RESUME	
	J	MS. WHITNEY?
	JW	CALL MS. TURBYFILL
	CLERK	[SWEARS WITNESS UNDER OATH]
	JW	STATE YOUR NAME AND SPELL YOUR LAST NAME
	TT	TIFFANY TURBYFILL - T-U-R-B-Y-F-I-L-L
	JW	INITIALLY WHEN THIS CASE BEGAN WERE YOU TAKEN INTO CUSTODY?
	TT	YES - I WAS PICKED UP ON THE WEEKEND AND I WENT TO COURT THE FOLLOWING MONDAY - I WENT TO COURT, WAS TOLD I WOULD BE CHARGED WITH THE DUI
	JW	WHEN DID YOU BECOME AWARE THAT YOU MISSED COURT THE FIRST TIME?
	TT	I WAS IN CUSTODY AND TRIED TO GET SOMEONE TO COME UP HERE
	JW	DO YOU REMEMBER GETTING THE CONDITIONS OF RELEASE AND WHAT HAPPENED AFTER THAT?
	TT	I TESTED IN SPOKANE - I GAVE THEM THE PAPERWORK - TO MY KNOWLEDGE THEY FAXED IT - I HAVE THE RECEIPT
	JW	APPEARS TO ME THAT MR. GUTHRIE'S AFFIDAVIT THAT THEY WERE RECEIVING IT?
	TT	YES - I WAS ORIGINALLY TAKING THE TEST
	JW	WHEN YOU WENT TO THE PRELIMINARY HEARING ON THE 19 TH OF NOVEMBER, DID YOU HEAR ANYTHING ABOUT THE CONDITIONS OF RELEASE?
	TT	NO - NOTHING WAS SAID ABOUT IT
	JW	DID YOU GET A CALL FROM MY OFFICE?
2:15	TT	YES
	JW	DURING THE TIME OF YOUR PRELIMINARY HEARING, YOU FOUND OUT YOU WERE PREGNANT?
	TT	YES
	JW	HAVE YOU BEEN SEEING DOCTORS?
	TT	YES
	JW	THEY ARE SENDING ME TO THE SPECIALIST - APPOINTMENT IS THE 28 TH OF THIS MONTH - YOU ARE GOING TO LEAVE ON THE 26 TH TO GO TO SEE?
	TT	THE SPECIALIST - I CAN'T DRIVE
	JW	NOTHING FURTHER
	J	CROSS EXAMINATION?
	RH	REPRESENTATIONS TO THE COURT THAT WHEN THE ORDER WAS ENTERED YOU WERE AWARE OF THE TESTING REQUIREMENTS?
	TT	YES
	RH	YOU CLAIM THAT YOU TESTED - WHERE WAS IT LOCATED?
	TT	AMERICAN SOMETHING - LOCATED IN SPOKANE
	RH	HOW MANY WEEKS DID YOU TEST THERE?
	TT	UP UNTIL THE TIME I MISSED COURT
	RH	THE ORDER WAS DONE MAY 8, 2009 - ON MAY 27 TH , THE SECOND PRELIMINARY HEARING WAS MISSED - TESTED BETWEEN MAY 8 TH AND MAY 27 TH - IS THAT CORRECT?
	TT	YES
2:20	RH	AFTER YOU FAILED TO APPEAR AT THE PRELIMINARY HEARING YOU JUST STOPPED TESTING?
	TT	YES - I WAS SCARED - TALKED TO A BONDSMAN -
	RH	YOU DIDN'T CONTACT YOUR ATTORNEY TO FIND OUT WHAT YOU SHOULD DO - WHEN DID YOU GO BACK TO AMERICAN AND ATTEMPT TO RE-ESTABLISH THE TESTING

	TT	A FEW WEEKS AGO
	RH	NOTHING FURTHER
	J	RE-DIRECT?
	JW	NO RE-DIRECT
2:22	J	ANYTHING FURTHER, MS. WHITNEY?
	JW	NO SIR
	J	MR. HANLON?
	RH	CLEAR FROM COMMENTS THAT IT IS QUESTIONABLE IF SHE MADE ARRANGEMENTS INITIALLY – SHE WAS REQUIRED TO SEND PROOF TO THE BONNER COUNTY COURTHOUSE – SHE WAS SCARED – NONCOMPLIANCE WAS WILLFUL – APPROPRIATE TO TAKE HER INTO CUSTODY AND INCREASE BOND TO \$50,000
	J	MS. WHITNEY?
	JW	CLEAR THAT SHE TRIED TO COMPLY – SHE MADE CONTACT WITH MY OFFICE AT THE BEGINNING OF THIS CASE – SHE MADE EFFORTS TO TEST UNTIL SHE REALIZED SHE MISSED HER COURT DATE – SHE DIDN'T WANT TO GO TO JAIL – NO MENTION OF THE CONDITIONS OF RELEASE AT THE PRELIMINARY HEARING – SHE DID TRY TO TEST AS DIRECTED BY MY OFFICE – SHE REALIZES THAT NOW – ASK COURT TO KEEP BOND IN PLACE – LET HER DEAL WITH THE MEDICAL ISSUES – WE WILL KNOW RIGHT AWAY IF SHE'S NOT TESTING
	J	I AM GOING TO ORDER YOU TEST ON WEDNESDAY AND SATURDAY AND THEREAFTER ON MONDAY AND FRIDAY – IF YOU DON'T TEST AND WE DON'T RECEIVE THE TEST RESULT, I WILL INCREASE THE BOND TO \$50,000 AND ISSUE A WARRANT FOR YOUR ARREST – YOUR STORY DOESN'T MAKE ANY SENSE – YOU ARE IN SERIOUS TROUBLE HERE – YOU ARE FACING A FELONY – IF YOU CHOOSE TO IGNORE THE COURT'S ORDER, YOU ARE SETTING YOURSELF UP FOR FAILURE – YOU HAVE TO MAKE SURE THAT WE RECEIVE THE TEST HERE – ORDER THAT YOU SEND THE EXACT SAME TEST RESULTS TO YOUR LAWYER
	J	DO YOU ACCEPT THESE CONDITIONS OF RELEASE?
	DEF	I DO, YOUR HONOR
	JW	DIFFICULTY THAT SHE IS GOING TO BE IN YAKIMA AT THE CLINIC
	J	SHE'LL BE AT A CLINIC – SHE CAN TEST THERE – YOU'RE LUCKY YOU'RE NOT GOING TO JAIL – ZERO TOLERANCE HERE – YOU'VE HAD ALL OF THE CHANCES YOU'RE GOING TO GET
	RH	SO WE'RE CLEAR, TERMS AND CONDITIONS OF ORIGINAL ORDER REMAIN IN EFFECT IN ADDITION TO TERMS YOU ADDED
2:34	END	

BONNER COUNTY PUBLIC DEFENDER
 JANET K. WHITNEY, ISBN 6624
 406 South Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2010 JAN 15 A 8:24

MARIE SCOTT
 CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE DEPUTY
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

V.

TIFFANY L. TURBYFILL,

Defendant.

CASE NUMBER CR-09-0000403

STIPULATED MOTION TO
 CONTINUE PRETRIAL AND TRIAL

COME NOW, the Defendant, by and through her attorney of record, Janet K. Whitney, Bonner County Chief Deputy Public Defender, and the State of Idaho, by and through Rodger Hanlon, Bonner County Deputy Prosecuting Attorney, and hereby stipulate and move this Honorable Court for an Order continuing the pretrial conference now set for February 4, 2010, along with the associated trial.

The foregoing motion is brought on the grounds that defense counsel will be filing a motion to dismiss in the above-entitled matter and the first hearing date for said motion is not available until February 18, 2010. Defendant waived her right to a speedy trial on January 14, 2010.

DATED this 15th day of January, 2010.

"NO OBJECTION"

ROGER HANLON
 DEPUTY PROSECUTING ATTORNEY

OFFICE OF THE BONNER
 COUNTY PUBLIC DEFENDER

JANET K. WHITNEY
 CHIEF DEPUTY PUBLIC DEFENDER

STIPULATED MOTION TO
 CONTINUE PRETRIAL AND TRIAL

Page 1

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 15th day of January, 2010, addressed to:

Bonner County Prosecuting Attorney

CMHeller

**STIPULATED MOTION TO
CONTINUE PRETRIAL AND TRIAL**

Page 2

BONNER COUNTY PUBLIC DEFENDER
JANET K. WHITNEY, ISBN 6624
406 South Ella Street
Sandpoint, Idaho 83864
Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2010 JAN 15 A 11:28

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

V.

TIFFANY L. TURBYFILL,

Defendant.

CASE NUMBER CR-09-0000403

ORDER TO CONTINUE
PRETRIAL AND TRIAL

The Court having before it the Stipulated Motion to Continue Pretrial and Trial and good cause appearing; now, therefore

IT IS HEREBY ORDERED that the pretrial conference scheduled for February 4, 2010,

and the associated trial is hereby continued and reset to a date and time after February 18, 2010.

for a pretrial conference
April 8, 2010 at 2:00 and for trial April 12, 2010 at
DATED this 15th day of January, 2010. *9:00 A.M.*

Steve Verby
DISTRICT JUDGE

ORDER TO CONTINUE
PRETRIAL AND TRIAL

Page 1

CLERK'S CERTIFICATE

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 15th day of January, 2010, addressed to:

Bonner County Public Defender

Bonner County Prosecuting Attorney

Cherie Moore
Deputy Clerk

BONNER COUNTY PUBLIC DEFENDER
JANET K. WHITNEY, ISBN 6624
 406 South Ella Street
 Sandpoint, Idaho 83864
 Phone: (208) 255-7889; Fax: (208) 255-7559

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2010 JAN 15 P 1:17

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

CLERK DISTRICT COURT

STATE OF IDAHO,

Plaintiff,

V.

TIFFANY L. TURBYFILL,

Defendant.

CASE NUMBER CR-09-0000403

MOTION TO DISMISS AND EXONERATE
 BOND;

NOTICE OF HEARING

DEPUTY

COMES NOW, the Defendant, by and through her attorney of record, Janet K. Whitney, Chief Deputy Public Defender, and hereby moves the Court for its Order to Dismiss the charge(s) and exonerate the bond, if any, in the above-entitled matter.

The foregoing motion is made pursuant to Idaho Criminal Rule 12b(2), Idaho Code § 18-8004(2), *State v. Mills*, 128 Idaho 426 (1996) and Idaho Rule of Criminal Procedure 19-815A. Defendant is charged with a felony DUI under Idaho Code § 18-8004(5) and blew .054, .108, .110 on the AlcoSensor III.

NOTICE OF HEARING

Defendant's Motion to Dismiss shall be called on for hearing on February 18, 2010, at the hour of 3:00 p.m., or as soon thereafter as counsel may be heard in front of the Honorable Steve Verby, District Judge.

DATED this 15th day of January, 2010.

OFFICE OF THE BONNER
 COUNTY PUBLIC DEFENDER

Janet Whitney

JANET K. WHITNEY
 CHIEF DEPUTY PUBLIC DEFENDER

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing was personally served by placing a copy of the same in the interoffice mailbox on the 15th day of January, 2010, addressed to:

Bonner County Prosecuting Attorney

A handwritten signature in black ink, appearing to read "C. M. Heller", is written over a horizontal line.

COURT MINUTES

CASE NO. CR-2009-0000403
DATE: 02/18/2010 **TIME:** 3:00 PM
COURTROOM 1

vs. TIFFANY LEIGH TURBYFILL

Defendant / Respondent

Attorney: JANET WHITNEY

INDEX	SPEAKER	PHASE OF CASE
-------	---------	---------------

093

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: CHARLES HOSACK
REPORTER: VALERIE LARSON
CLERK: LINDA OPPELT
DIVISION: DISTRICT

CASE NO. CR-2009-403
DATE: 03-16-10 TIME: 02:30 P.M.
COURTROOM 1

STATE OF IDAHO

vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: ROGER HANLON

Atty: JANET WHITNEY

SUBJECT OF PROCEEDINGS

MOTION TO DISMISS

INDEX	SPEAKER	PHASE OF CASE
4:05	J	Calls Case
		Present: DEFENDANT NOT PRESENT, JANET WHITNEY, ROGER HANLON
	J	HOW ARE WE PROCEEDING?
	JW	CLIENT NOT HERE. NOTICE WAS SENT. I TALKED TO HER ON THE PHONE.
	J	STATE'S POSITION?
	RH	ISSUE BENCH WARRANT. BOND IN THE AMOUNT OF \$40,000.00.
	J	ISSUE BENCH WARRANT. BOND IN THE AMOUNT OF \$40,000.00.
4:10		END

COPY

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2010 MAR 17 A 8:34

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

TIFFANY LEIGH TURBYFILL,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR 2009-0000403

BENCH WARRANT
(Felony)

TO: Any Sheriff, Deputy Sheriff or Police Officer:

You are hereby commanded and directed to arrest TIFFANY LEIGH TURBYFILL, the above named Defendant, Social Security [REDACTED] date of birth [REDACTED], to return the Defendant to the jurisdiction of this Court, and bring the Defendant before this Court.

Said Bench Warrant is issued on Defendant's failure to appear at the Bonner County Courthouse on March 16, 2010, for her Motion to Dismiss hearing, as ordered.

Said warrant is to be served at any time of the day or night.


BENCH WARRANT - 1.

Bail is set in the amount of \$40,000.00.

UPON THE POSTING OF BAIL, THE DEFENDANT SHALL NOT BE RELEASED UNTIL A COURT APPEARANCE DATE AND TIME HAS BEEN SET, AND THE DEFENDANT ACKNOWLEDGES IN WRITING THAT HE HAS BEEN ADVISED OF SUCH DATE AND TIME.

THE DEFENDANT IS ORDERED TO BE PRESENT AT ALL COURT HEARINGS AND TRIALS IN THIS CASE AND TO BE AWARE OF THE TIME AND DATE OF ALL SUCH HEARINGS AND/OR TRIALS.

DATED this 17 day of March, 2010.



Charles Hosack
District Judge

RETURN OF SERVICE

I HEREBY CERTIFY that I received the within Warrant on the ____ day of _____, 2010, and served the same by arresting TIFFANY LEIGH TURBYFILL and bringing him into Court this _____ day of _____, 2010.

Sheriff

Deputy

BENCH WARRANT - 2.

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: SANDRA RASOR
DIVISION: DISTRICT

CASE NO. CR-09-401/ CR-09-403
DATE: 04/08/10 TIME: 2:00 PM
CTRM 1

STATE OF IDAHO

vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: PRIEST RIVER PROSECUTOR, ROGER
HANLON

Atty: JANET WHITNEY

SUBJECT OF PROCEEDINGS
CHARGE

PRETRIAL CONFERENCE

INDEX	SPEAKER	PHASE OF CASE
210	J	Calls Case
		Present: PHILIP ROBINSON, MARY SHANAHAN
	J	MS SHANAHAN YOUR CLIENT
	MS	I AM COVERING FOR MS WHITNEY, SHE HAS A BENCH WARRANT IN ANOTHER MATTER, WE WERE AWARE SHE MIGHT NOT SHOW UP TODAY, NOTICE WAS SENT,
	J	ON MARCH 16 TH 2010 MS. TURBYFILL ALSO WAS NOT HERE BW ISSUED BOND WAS SET AT \$40,000
	RH	REQUEST INCREASE TO \$100,000
	J	MS. SHANAHAN
	MS	ASK IT BE LEFT OUTSTANDING AT \$40,000
212	J	ISSUE WARRANT SET BOND AT \$100,00 IN LIGHT OF HER SECOND FAILURE TO APPEAR, IT WAS EXPLAINED TO HER SHE WOULD HAVE TO BE IN COURT, WE ARE IN RECESS FOR A SHORT TIME
213		END

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST

2010 APR -9 P 1:15

MARIE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COPY

STATE OF IDAHO,

Plaintiff,

vs.

TIFFANY LEIGH TURBYFILL,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

) Case No. CR 2009-0000401

) Case No. CR 2009-0000403

) BENCH WARRANT

) (Felony)

TO: Any Sheriff, Deputy Sheriff or Police Officer:

You are hereby commanded and directed to arrest TIFFANY LEIGH TURBYFILL, the above-named Defendant, Social Security [REDACTED] date of birth [REDACTED], to return the Defendant to the jurisdiction of this Court, and bring the Defendant before this Court.

Said Bench Warrant is issued on Defendant's failure to appear at the Bonner County Courthouse on April 8, 2010, for a Pretrial Conference, as ordered.

Said warrant is to be served at any time of the day or night.

Bail is set in the amount of \$100,000.00.

BENCH WARRANT - 1

UPON THE POSTING OF BAIL, THE DEFENDANT SHALL NOT BE RELEASED UNTIL A COURT APPEARANCE DATE AND TIME HAS BEEN SET, AND THE DEFENDANT ACKNOWLEDGES IN WRITING THAT HE HAS BEEN ADVISED OF SUCH DATE AND TIME.

THE DEFENDANT IS ORDERED TO BE PRESENT AT ALL COURT HEARINGS AND TRIALS IN THIS CASE AND TO BE AWARE OF THE TIME AND DATE OF ALL SUCH HEARINGS AND/OR TRIALS.

DATED this 9th day of April, 2010.


Steve Verby
District Judge

RETURN OF SERVICE

I HEREBY CERTIFY that I received the within Warrant on the _____ day of _____, 2010, and served the same by arresting TIFFANY LEIGH TURBYFILL and bringing him into Court this _____ day of _____, 2010.

Sheriff

Deputy

18447
Bm

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

RECEIVED

ORIGINAL

2010 SEP 28 A 9 39 MAR 18 2010

MARIE SCOTT
CLERK DISTRICT COURT
BONNER COUNTY JAIL
[Signature]

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)
)
 Plaintiff,)
)
 vs.)
)
 TIFFANY LEIGH TURBYFILL,)
 DOB: [REDACTED])
 SSN: [REDACTED])
)
 Defendant.)
 _____)

Case No. CR 2009-0000403
BENCH WARRANT
(Felony)

TO: Any Sheriff, Deputy Sheriff or Police Officer:

You are hereby commanded and directed to arrest TIFFANY LEIGH TURBYFILL, the above
named Defendant, Social Security [REDACTED] date of birth [REDACTED], to return the
Defendant to the jurisdiction of this Court, and bring the Defendant before this Court.

Said Bench Warrant is issued on Defendant's failure to appear at the Bonner County Courthouse
on March 16, 2010, for her Motion to Dismiss hearing, as ordered.

Said warrant is to be served at any time of the day or night.


BENCH WARRANT - 1.

Bail is set in the amount of \$40,000.00.

UPON THE POSTING OF BAIL, THE DEFENDANT SHALL NOT BE RELEASED UNTIL A COURT APPEARANCE DATE AND TIME HAS BEEN SET, AND THE DEFENDANT ACKNOWLEDGES IN WRITING THAT HE HAS BEEN ADVISED OF SUCH DATE AND TIME.

THE DEFENDANT IS ORDERED TO BE PRESENT AT ALL COURT HEARINGS AND TRIALS IN THIS CASE AND TO BE AWARE OF THE TIME AND DATE OF ALL SUCH HEARINGS AND/OR TRIALS.

DATED this 17 day of March, 2010.



Charles Hosack
District Judge

RETURN OF SERVICE

I HEREBY CERTIFY that I received the within Warrant on the 27 day of Sept., 2010 2010, and served the same by arresting TIFFANY LEIGH TURBYFILL and bringing him into Court this 27 day of Sept, 2010.

Sheriff



Deputy

BENCH WARRANT - 2.

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

2010 SEP 28 A 9:39

18537

MARIE SCOTT
CLERK DISTRICT COURT

RECEIVED

APR 12 2010

BONNER COUNTY JAIL

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

ORIGINAL

STATE OF IDAHO,

Plaintiff,

vs.

TIFFANY LEIGH TURBYFILL,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR 2009-0000401

Case No. CR 2009-0000403

BENCH WARRANT

(Felony)

TO: Any Sheriff, Deputy Sheriff or Police Officer:

You are hereby commanded and directed to arrest TIFFANY LEIGH TURBYFILL, the above-named Defendant, Social Security [REDACTED] date of birth [REDACTED] to return the Defendant to the jurisdiction of this Court, and bring the Defendant before this Court.

Said Bench Warrant is issued on Defendant's failure to appear at the Bonner County Courthouse on April 8, 2010, for a Pretrial Conference, as ordered.

Said warrant is to be served at any time of the day or night.

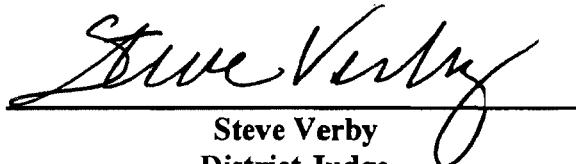
Bail is set in the amount of \$100,000.00.

BENCH WARRANT - 1

UPON THE POSTING OF BAIL, THE DEFENDANT SHALL NOT BE RELEASED UNTIL A COURT APPEARANCE DATE AND TIME HAS BEEN SET, AND THE DEFENDANT ACKNOWLEDGES IN WRITING THAT HE HAS BEEN ADVISED OF SUCH DATE AND TIME.

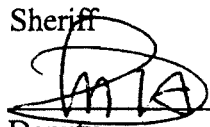
THE DEFENDANT IS ORDERED TO BE PRESENT AT ALL COURT HEARINGS AND TRIALS IN THIS CASE AND TO BE AWARE OF THE TIME AND DATE OF ALL SUCH HEARINGS AND/OR TRIALS.

DATED this 9th day of April, 2010.


Steve Verby
District Judge

RETURN OF SERVICE

I HEREBY CERTIFY that I received the within Warrant on the 27 day of Sept, 2010, and served the same by arresting TIFFANY LEIGH TURBYFILL and bringing him into Court this 27 day of Sept, 2010.

Sheriff

Deputy
#313

NOTIFICATION OF RIGHTS

STATE OF IDAHO
County of Bonner
FILED _____

AT _____ O'CLOCK P.M. STATE OF IDAHO
CLERK OF THE DISTRICT COURT COUNTY OF BONNER
DISTRICT 1

Deputy _____

2010 SEP 28 A 9:33

STATE OF IDAHO vs. Turbyfill, Tiffany L., Case No. _____

MARIE SCOTT
CLERK DISTRICT COURT

You have the right to remain silent. If you make any statements about your case, you will give up your right to remain silent and your statements could be used against you.

You have the right to hire an attorney, and the right to a reasonable extension of time so that you can obtain an attorney, or you may represent yourself without an attorney.

If you are indigent, there are some misdemeanors serious enough to allow you to make sworn application for an attorney at county expense. If an attorney is appointed for you, you could be required to repay the county at a later time.

You have the right to a speedy trial by jury, or you may request a trial by a judge.

You have the right to be present at your trial and to testify and cross-examine witnesses against you, but you cannot be forced to testify against your will.

You have the right to present a defense to the charges against you, and the right to subpoena witnesses to court to testify in your defense at no expense to you.

You are presumed innocent and the prosecution bears the burden of proving your guilt beyond a reasonable doubt.

You have the right to appeal within forty-two days from the time your case is concluded. You must file a written notice with the Clerk of the Court indicating that you wish to appeal.

You are required to notify the court of any change of address so long as your case is pending.

IF YOU ARE CHARGED WITH A MISDEMEANOR:

The general penalty for a misdemeanor is a maximum fine of \$1,000 plus court costs and a maximum jail sentence of 6 months. As with any general rule there are exceptions. The judge will notify you if there are different maximum penalties in your case.

After your charge is read, you will be asked to enter a plea of guilty, enter a plea of not guilty, or request a continuance before entering a plea.

If you enter a plea of not guilty, your case will be set for trial by the Calendar Clerk, and you or your attorney will be given notice of your trial date by mail.

If you enter a plea of guilty, you will give up the rights outlined above except the right to an attorney and the right to appeal. A plea of guilty has the same effect as a finding of guilt at trial.

If you enter a plea of guilty, you may be sentenced at that time or sentencing may be scheduled for a future date. At sentencing you will be given a chance to make any explanation you think the judge should hear before sentence is imposed.

If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.

If you are sentenced to pay a fine, you should be prepared to pay your fine at that time. If you are unable to pay, then you must ask the court for additional time to make payment. If you fail to pay fines and costs assessed by the Court, you could be found in contempt of Court and sentenced to additional jail or fines for contempt.

IF YOU ARE CHARGED WITH A FELONY:

You have the additional right to a timely preliminary hearing in front of a Magistrate Judge.

If you remain in custody, the preliminary hearing must be held within fourteen (14) days, or within twenty-one (21) days if you are not in custody.

At the preliminary hearing the State bears the burden of proving by a preponderance of the evidence, meaning that it is more likely than not, 1) that the charged offense was committed within the jurisdiction, and 2) that you are the person who committed the offense.

During the preliminary hearing you have the right to be represented by counsel and to cross-examine the State's witnesses and call witnesses to testify in your defense.

If the State carries its burden of proof at the preliminary hearing, or if you decide to waive your right to a preliminary hearing, the Magistrate Judge will enter an order setting a date for you to appear before a District Court Judge for arraignment, at which time you will be asked by the District Judge to enter a plea of guilty or not guilty to the felony charge(s).

If the Magistrate Judge determines that the State has not carried its burden of proof at the preliminary hearing, an order dismissing the charge "without prejudice" will be entered, which means that the State has the option to refile the charge against you.

READ AND UNDERSTOOD

DATED: 9/27/10

Sophany Juregill
Defendant's Signature

Refusal to Apply for Public Defender Representation

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

At this time I **Do Not** wish to apply for legal representation by the
Public Defenders Office. I do understand that I have the right to
request a Judge review my application for representation at any
time in the future.

2010 SEP 28 A 9:33

MARIE SCOTT
CLERK DISTRICT COURT

DEPUTY

Date:

9/27/10

Signed:

Tiffany Turbyfill

Printed Name:

Tiffany Turbyfill

Witnessed:

URL 331

STATE OF IDAHO
County Clerk, DISTRICT COURT
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

CASE #: CR- _____ - _____

NAME: Turkey, Tiffany L.

2010 SEP 28 A 9:33

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

MARIE SCOTT
DEPUTY CLERK
DEPUTY

STATEMENT OF DEFENDANT'S RIGHTS: DRIVING UNDER THE INFLUENCE CASES

1. You have the right to remain silent; any statement you make may be used against you.
2. You have the right to an attorney to represent you at all stages of these proceedings; if you are poor and unable to pay counsel, you are entitled to a Court appointed attorney at public expense.
3. You have the right to a jury trial and to compel the attendance of witnesses on your behalf without expense to you.
4. You have the right to confront, to see, to hear and to ask questions of any witness who testifies against you. You have the right to testify on your own behalf but you cannot be compelled to do so and your silence will not be used against you.
5. You have the right to require the state to prove beyond a reasonable doubt that you have committed the offense charged.
6. You have the right to appeal the conviction.
7. You have the right to be released on bail pending further proceedings.
8. You may enter a plea of guilty or not guilty at this time or request a continuance in order to consult your attorney as to the plea.
9. **GUILTY PLEA.** If you plead **GUILTY**, you give up or waive all of the above rights except your right to have an attorney and your right to appeal.
10. **NOT GUILTY PLEA.** If you plead **NOT GUILTY**, the court will ask you whether you wish to have a trial before a jury or a trial before a judge only, and will set a trial date.
11. If you plead **GUILTY**, or are found **GUILTY** at trial, the court will set a date for sentencing. Prior to sentencing you will be required to undergo, at your own expense, an alcohol evaluation which will be considered by the Court in determining the appropriate sentence. At sentencing you will be allowed to make any statement by way of explanation or mitigation.
12. If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.
13. If you plead guilty or are found guilty of **DRIVING UNDER THE INFLUENCE** or being in actual physical control of a motor vehicle (DUI) the **Minimum** and **Maximum** penalties are as follows:

A. For a **First DUI offense**: Up to six (6) months in jail; a fine up to one thousand dollars (\$1000.00); and a suspension of your driving privileges for thirty (30) days during which time absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days during which restricted privileges may be granted by the court.

Excessive. For a First DUI Offense where the defendant's alcohol concentration is 0.20 or above:

a) Sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year; b) May be fined an amount not to exceed two thousand dollars (\$2000.00); c) Shall surrender their drivers license or permit to the court; d) Shall have their driving privileges suspended by the court for an additional mandatory minimum period of one (1) year, after release from confinement, during which one (1) year period, absolutely no driving privileges of any kind may be granted.

B. A **Second DUI offense** within ten (10) years, including withheld judgments, is a misdemeanor and you:

- (1) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, and may be sentenced to not more than one (1) year; and
- (2) May be fined up to two thousand (\$2000.00) dollars; and
- (3) Shall surrender your drivers license to the court; and
- (4) Shall have your driving privileges suspended for a minimum of one (1) year during which absolutely no driving privileges of any kind may be granted; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the one (1) year license suspension.

C. **TWO DUI VIOLATIONS** when both violations involve an alcohol concentration of 0.20 or above, within five (5) years; **A THIRD DUI VIOLATION** within ten (10) years; or a **SUBSEQUENT DUI VIOLATION** with a previous felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years; including withheld judgments, is a felony and you:

- (1a) For **TWO DUI VIOLATIONS** involving an alcohol concentration of 0.20 or above: Shall be sentenced to the State Board of Corrections for not more than five (5) years; or if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days; or
- (1b) For a **THIRD DUI VIOLATION** within ten (10) years or a **SUBSEQUENT DUI VIOLATION** with a previous Felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years: Shall be sentenced to the State Board of Corrections for not more than ten (10) years. If the Court imposes a jail sentence instead of the state penitentiary it shall be for a minimum period of not less than thirty (30) days, the first (48) forty-eight hours of which must be consecutive, and ten (10) days of which must be served in jail; and
- (2) May be fined up to five thousand dollars (\$5000.00); and
- (3) Shall surrender your driver's license to the court; and
- (4) Shall have your driving privileges suspended for at least one (1) year and not more than five (5) years following your release from imprisonment, during which time you shall have absolutely no driving privileges; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the minimum one (1) year license suspension period.

14. If you plead guilty or are found guilty, a record of the conviction will be sent to the State Department of Transportation and becomes a part of your driving record.

HAVE READ THIS DOCUMENT OR HAD IT EXPLAINED TO ME AND HAVE RECEIVED A COPY.

DEFENDANT

Tiffany Turgeon

DATE

9/27 2010

COURT MINUTES

STATE OF IDAHO vs **TIFFANY L TURBYFILL**

Defendant / Respondent

Atty:

IN CUSTODY - WARRANTS - FTA
FAILURE TO APPEAR HEARING W/JUDGE VERBY 10-21 @ 11 AM

CASE NO. CR-2009-401/CR-2009-403
COURT MINUTES – IN CUSTODY - WARRANTS - FTA

Page 1 of 1

Glen E. Walker
 Dennis Reuter
WALKER & WALL
 Attorneys at Law
 1875 N. Lakewood Drive, Suite 200
 Coeur d'Alene, ID 83814
 Telephone: (208) 667-9531
 Facsimile: (208) 667-8503
 ISBN: 1894/6154

2010 SEP 28 P 12:14

Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>CASE NO. CR-09-0000403</p> <p>SUBSTITUTION OF COUNSEL</p>
---	---

TO: The Above-named Plaintiff, State of Idaho, Bonner County Prosecuting Attorney, 127 1st Ave., Sandpoint ID 83864

YOU ARE HEREBY NOTIFIED that the Defendant, Tiffany Turbyfill, in the above-entitled action hereby substitutes Glen E. Walker and Dennis Reuter of WALKER & WALL, Attorneys at Law, 1875 N Lakewood Dr. Suite 200, Coeur d'Alene ID 83814, as Attorneys of Record in the above-entitled action in the place and stead of Janet Whitney of the Bonner County Public Defenders Office.

SUBSTITUTION OF COUNSEL -1-

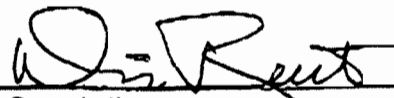
YOU ARE FURTHER NOTIFIED that all papers and documents in said action are to be served upon Glen E. Walker or Dennis Reuter at the above address.

DATED this 28th day of September, 2010.

WALKER AND WALL

Attorneys for Defendant

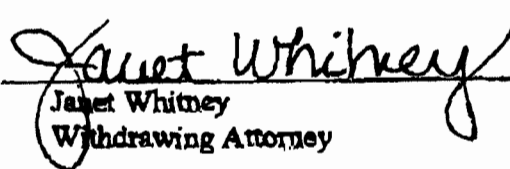
By:



Dennis Reuter
Substituting Attorney

BONNER COUNTY PUBLIC DEFENDERS

By:



Janet Whitney
Withdrawing Attorney

CERTIFICATE OF SERVICE

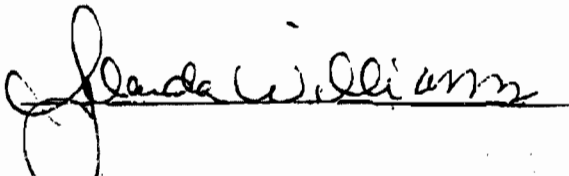
I HEREBY CERTIFY that on the 28th day of September, 2010, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300

☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile to: 263-6726
☐ Overnight Mail

Janet Whitney
Bonner County Public Defender
406 S. Ella
Sandpoint ID 83864

☐ U.S. Mail
☐ Hand Delivered
☐ Facsimile to: 255-7559
☐ Overnight Mail



SUBSTITUTION OF COUNSEL -2-

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: DEBRA HEISE
DIVISION MAGISTRATE
CLERK: LYNNE ANDERSON

CASE NO. CR 2009-0000401 / CR 2009-0000403
DATE: 09/29/2010 TIME: 3:50 PM
CTRM 3

STATE OF IDAHO

Vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty:

Atty:

SUBJECT OF PROCEEDINGS

HEARING TO ADDRESS WARRANTS

INDEX	SPEAKER	PHASE OF CASE
3:55	J	Calls Case
		Present: DEFENDANT IN CUSTODY BY PHONE
	J	I ARRAIGNED YOU YESTERDAY BY VIDEO. I MADE A MISTAKE REGARDING THE WARRANTS. JUDGE VERBY'S WARRANT HAS 2 CASE NUMBERS ON IT. HE SET BAIL AT \$100,000.00. CR 2009-403 JUDGE HOSACK HAS SET BAIL IN THAT CASE \$40,000.00. \$100,000.00 IS THE BAIL IN CR 2009-401. WE WILL LET THE PUBLIC DEFENDER KNOW.
	DEF	I HAVE A PRIVATE ATTORNEY, DENNIS RUTER
	J	WE WILL LET HIM KNOW
3:57		END

COURT MINUTES

CASE NO. CR-2009-0000401/CR-2009-0000403
DATE: 10/04/2010 **TIME:** 3:30 PM
COURTROOM 1

vs. TIFFANY LEIGH TURBYFILL

Defendant / Respondent

Attorney: GLEN E. WALKER

MOTION TO DISMISS

113

	DR	FOR THE RECORD, TELL YOUR NAME AND SPELL YOUR LAST NAME
	TR	DEPUTY TIM REYNOLDS
	DR	ARE YOU POST CERTIFIED OFFICER WHO ARRESTED TIFFANY TURBYFILL IN 2009?
	TR	YES SIR
	DR	PART OF THE REPORT THAT YOU DID WAS AN AFFIDAVIT?
	TR	YES
	DR	INSTRUMENT YOU USED IS A CERTIFIED INSTRUMENT?
	TR	YES SIR
	DR	YOU ARE CERTIFIED TO OPERATE IT?
	TR	YES SIR
4:17	DR	OPERATING PROCEDURES ARE IMPORTANT, CORRECT?
	TR	YES SIR
	DR	YOU ADVISED HER IF SHE DIDN'T TAKE THE TEST?
	TR	YES
	DR	YOU DID CHECK THE TEMPERATURE AND THE BATTERY?
	TR	YES
	DR	THE MANUAL TELLS YOU HOW TO BLOW, CORRECT?
	TR	AFTER ABOUT 7 SECONDS, YES SIR
	DR	AFTER SHE GAVE THE FIRST SAMPLE, YOU RAN A SECOND SAMPLE?
	TR	YES
	DR	RESULTS OF THE FIRST SAMPLE WERE WHAT?
	TR	FIRST SAMPLE WAS A .054
	DR	THERE WAS NOTHING THAT TIFFANY DID THAT SHOWED A REFUSAL?
	TR	I CAN'T REMEMBER
4:20	DR	SHE WAS COOPERATIVE?
	TR	YES
	DR	IF SHE REFUSED A SECOND SAMPLE, THE FIRST SAMPLE WOULD BE CONSIDERED VALID, CORRECT?
	TR	I BELIEVE SO, YES
	DR	HAVE MARKED EXHIBIT A
	TR	OPERATING PROCEDURE
	DR	LOOK AT SECTION 3.2.1 AND READ THE STANDARD OPERATING PROCEDURE INSTRUCTION
	TR	IT STATES THAT IT MAY BE CONSIDERED VALID
	DR	WHAT IS A DEFICIENT SAMPLE?
	TR	I AM NOT SURE WHAT THAT WOULD BE CLASSIFIED AS
	DR	THAT'S ALL I HAVE
	J	CROSS EXAMINATION
	RH	PAGE 13 - SECTION 3.2.3 - ARE YOU FAMILIAR WITH THAT PART?
	TR	YES I AM
	RH	WHY DID YOU ASK FOR 3 SAMPLES?
	TR	BECAUSE THERE WAS A HUGE DIFFERENCE BETWEEN THE FIRST SAMPLE AND THE SECOND SAMPLE
	DR	SECTION 3.2.3.3 SAYS THAT IF A SUBJECT FAILS TO PROVIDE A SECOND OR THIRD SAMPLE, THE FIRST SAMPLE IS CONSIDERED VALID
	J	SEEK TO ADMIT EXHIBIT A?
	RH	NO OBJECTION
	J	EXHIBIT A IS ADMITTED
	RH	NEED TO GET ANOTHER WITNESS
	J	RESET TO OCTOBER 21ST AT 3:00 PM - ANYTHING FURTHER?
	TR	CLIENT NEEDS TO TAKE CARE OF HER CHILD - ASK THAT SHE BE ALLOWED TO RETURN HOME AND WILL SHOW UP ON THE 21 ST - I UNDERSTAND GIVING HER FAILURE TO APPEAR BEFORE - I BELIEVE THAT THIS HEARING IS GOING TO BE

	TR	DISPOSITIVE OF THE CASE
	J	MR. HANLON, DID YOU WISH TO BE HEARD?
	RH	I THINK THERE WERE 2 PRIOR FTA'S IN THIS CASE
4:32	J	LOOKING AT THE COURT MINUTES – ON MARCH 16, 2010, MS. TURBYFILL WAS NOT PRESENT AND A BENCH WARRANT WAS ISSUED – LOOKS LIKE SHE FAILED TO APPEAR TWICE – IN LIGHT OF HER CHOICE NOT TO SHOW UP, I'M NOT GOING TO REDUCE THE BOND
4:33	END	

CASE #: CR- 09-403

NAME: Tuebyfill, Tiffany L.

2010 OCT -5 A 9:47

MARIE SCOTT
CLERK DISTRICT COURT

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

STATEMENT OF DEFENDANT'S RIGHTS: DRIVING UNDER THE INFLUENCE CASES

1. You have the right to remain silent; any statement you make may be used against you.
2. You have the right to an attorney to represent you at all stages of these proceedings; if you are poor and unable to pay counsel, you are entitled to a Court appointed attorney at public expense.
3. You have the right to a jury trial and to compel the attendance of witnesses on your behalf without expense to you.
4. You have the right to confront, to see, to hear and to ask questions of any witness who testifies against you. You have the right to testify on your own behalf but you cannot be compelled to do so and your silence will not be used against you.
5. You have the right to require the state to prove beyond a reasonable doubt that you have committed the offense charged.
6. You have the right to appeal the conviction.
7. You have the right to be released on bail pending further proceedings.
8. You may enter a plea of guilty or not guilty at this time or request a continuance in order to consult your attorney as to the plea.
9. **GUILTY PLEA.** If you plead **GUILTY**, you give up or waive all of the above rights except your right to have an attorney and your right to appeal.
10. **NOT GUILTY PLEA.** If you plead **NOT GUILTY**, the court will ask you whether you wish to have a trial before a jury or a trial before a judge only, and will set a trial date.
11. If you plead **GUILTY**, or are found **GUILTY** at trial, the court will set a date for sentencing. Prior to sentencing you will be required to undergo, at your own expense, an alcohol evaluation which will be considered by the Court in determining the appropriate sentence. At sentencing you will be allowed to make any statement by way of explanation or mitigation.
12. If you are not a U.S. citizen, pleading guilty could result in your deportation or inability to become a legal U.S. citizen.
13. If you plead guilty or are found guilty of DRIVING UNDER THE INFLUENCE or being in actual physical control of a motor vehicle (DUI) the **Minimum** and **Maximum** penalties are as follows:

For a **First DUI offense**: Up to six (6) months in jail; a fine up to one thousand dollars (\$1000.00); a suspension of your driving privileges for thirty (30) days during which time absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute suspension has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days during which restricted privileges may be granted by the court.

Excessive. For a First DUI Offense where the defendant's alcohol concentration is 0.20 or above:

a) Sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year; b) May be fined an amount not to exceed two thousand dollars (\$2000.00); c) Shall surrender their drivers license or permit to the court; d) Shall have their driving privileges suspended by the court for an additional mandatory minimum period of one (1) year, after release from confinement, during which one (1) year period, absolutely no driving privileges of any kind may be granted.

B. A **Second DUI offense** within ten (10) years, including withheld judgments, is a misdemeanor and you:

- (1) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, and may be sentenced to not more than one (1) year; and
- (2) May be fined up to two thousand (\$2000.00) dollars; and
- (3) Shall surrender your drivers license to the court; and
- (4) Shall have your driving privileges suspended for a minimum of one (1) year during which absolutely no driving privileges of any kind may be granted; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the one (1) year license suspension.

C. **TWO DUI VIOLATIONS** when both violations involve an alcohol concentration of 0.20 or above, within five (5) years; **A THIRD DUI VIOLATION** within ten (10) years; or a **SUBSEQUENT DUI VIOLATION** with a previous felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years; including withheld judgments, is a felony and you:

- (1a) For **TWO DUI VIOLATIONS** involving an alcohol concentration of 0.20 or above: Shall be sentenced to the State Board of Corrections for not more than five (5) years; or if the Court imposes a jail sentence instead of the state penitentiary, it shall be for a minimum period of not less than thirty (30) days; or
- (1b) For a **THIRD DUI VIOLATION** within ten (10) years or a **SUBSEQUENT DUI VIOLATION** with a previous Felony DUI, Aggravated DUI or DUI Vehicular Manslaughter within fifteen (15) years: Shall be sentenced to the State Board of Corrections for not more than ten (10) years. If the Court imposes a jail sentence instead of the state penitentiary it shall be for a minimum period of not less than thirty (30) days, the first (48) forty-eight hours of which must be consecutive, and ten (10) days of which must be served in jail; and
- (2) May be fined up to five thousand dollars (\$5000.00); and
- (3) Shall surrender your driver's license to the court; and
- (4) Shall have your driving privileges suspended for at least one (1) year and not more than five (5) years following your release from imprisonment, during which time you shall have absolutely no driving privileges; and
- (5) Shall during any probationary period, drive only a motor vehicle equipped with a functioning ignition interlock system, following the minimum one (1) year license suspension period.

14. If you plead guilty or are found guilty, a record of the conviction will be sent to the State Department of Transportation and becomes a part of your driving record.

I HAVE READ THIS DOCUMENT OR HAD IT EXPLAINED TO ME AND HAVE RECEIVED A COPY.

DEFENDANT

Imajell

DATE

9-10-5-2010

Refusal to Apply for Public Defender Representation

CR-09-403

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

At this time I **Do Not** wish to apply for legal representation ~~200-061-5~~ A 9:47
Public Defenders Office. I do understand that I have the right to request a Judge review my application for representation at any time in the future.

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

Date: 10/05/10

Signed: [Signature]

Printed Name: Tiffany Turbey

Witnessed: [Signature]

Allready has Private Attorney. DA

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: DEBRA A HEISE

CASE NO. CR-2009-403

DIVISION: MAGISTRATE COURT
CLERK: SUSAN AYERLE

DATE: OCT 5 2010 TIME: 1:15 PM
CRTRM: 2

STATE OF IDAHO

vs TIFFANY L TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty:

Atty:

SUBJECT OF PROCEEDINGS
CHARGE

IN CUSTODY - BOND REVOCATION

INDEX	SPEAKER	PHASE OF CASE
201		Calls Case
		Present: DEF IN CUSTODY VIA VIDEO
	J	BONDING COMPANY HAS REVOKED YOUR BAIL RESET YOUR BAIL CASE 403 \$40,000 BOND IN 401 REMAINS EFFECTIVE BOND REVOCATION HEARING OCTOBER 21 ST AT 3 PM BCPD HAS ALREADY BEEN APPOINTED
	DEF	DENNIS REUTER PRIVATE ATTORNEY
	J	WE'LL NOTIFY HIM OF FACT BOND REVOKED IN THIS CASE
203		END

3:18	RH	WOULD THIS PROCESS BE A VALID OR INVALID TEST?
	JJ	IT WOULD BE CONSIDERED A VALID TEST
	RH	BASED ON THE SAMPLES PROVIDED IN THIS SEQUENCE, IN YOUR OPINION, IS ONE OF THOSE SAMPLES INVALID?
	JJ	I WOULD SAY THE FIRST SAMPLE OF .054
	RH	NO FURTHER QUESTIONS
	J	CROSS EXAMINATION?
	DR	YOU ARE FAMILIAR WITH THE STANDARD OPERATING PROCEDURES?
	JJ	YES, I AM
	DR	THIS COULD BE VALID IN A DIFFERENT SCENARIO?
	JJ	YES
	DR	THE 15 MINUTE WAITING PERIOD, IS THAT NECESSARY?
	JJ	YES, IT IS
	DR	NOTHING FURTHER
	J	REDIRECT?
	RH	NO
	J	ANY ADDITIONAL TESTIMONY?
	RH/DR	NO
3:31	J	ARGUMENT?
	DR	I HAVE THE MEMORANDUM
	J	LET ME READ THIS FIRST
3:32	OFF RECORD	
3:42	RESUME	
	J	MR. REUTER?
	DR	WE HAVE A VALID READING OF A .05 – THIS IS ADMISSIBLE – REQUESTING A DISMISSAL
	J	MR. HANLON?
	RH	THE LAW REQUIRES PERSONS TO DRIVE WITH AN ALCOHOL CONTENT OF LESS THAN A .08 – THE PURPOSE OF ADOPTING THESE PROCEDURES IS THAT THE RESULTS REFLECT THE TRUE ALCOHOL CONCENTRATION IN A PERSON'S BODY – EACH VALID SAMPLE CONSTITUTES A TEST – ONE OF THOSE TESTS WAS NOT A VALID TEST – IT'S A DIFFERENT FACTUAL SITUATION – BASED ON THAT AND THE ARGUMENT ASSERTED BY COUNSEL AT THE LAST HEARING REFERRED TO VALID SAMPLES – THE 3 TEST PROCESS WAS DONE IN THIS CASE - MILLS DOES NOT CONTROL
	DR	[ARGUMENT]
3:55	END	
4:05	RESUME	
	J	I AM PREPARED TO RULE [CITES CASE LAW] – THE ISSUE IN THIS CASE IS ONE OF FACT – WAS THERE OR WAS THERE NOT A VALID TEST – I AM NOT GOING TO DISMISS THE CASE – IT DOES APPEAR THAT AT THE TIME OF TRIAL, ALL 3 TESTS COULD COME IN – THE TESTIMONY THAT HAS BEEN PROVIDED TODAY WOULD HAVE TO BE REPEATED AT THE TIME OF TRIAL IN ORDER TO HAVE THOSE TEST RESULTS ADMITTED – I AM GOING TO DECLINE TO DISMISS AND THOSE ISSUES OF FACT ARE TO BE DETERMINED BY THE JURY – MR. HANLON, IF YOU WOULD PREPARE THE APPROPRIATE ORDER – WHEN WOULD YOU LIKE TO HAVE THIS MATTER TRIED?
	DR	IF SHE IS NOT RELEASED, IT DOESN'T MATTER – IF IT COMES IN AT TRIAL, I DO NOT SEE HOW IT COULD BE DISMISSED AT THAT POINT
	J	THE ISSUE IS WHETHER IT'S A VALID TEST – THAT IS THE JURY QUESTION – IF THEY CONCLUDE THAT THE TEST WAS GIVEN CORRECTLY OR IT COULD BE USED TO IMPEACH THE TEST RESULTS GIVEN LATER ON – I AM NOT RULING EITHER WAY
	DR	I NEED TO HAVE MS. TURBYFILL RELEASED – SHE NOW HAS A 5 MONTH OLD CHILD – SHE WILL SHOW UP FOR COURT – I AM HESITANT TO HAVE HER PLEAD

		TODAY – I WOULD LIKE THE TRIAL RELATIVELY SOON
	J	I WILL SET TRIAL BEGINNING NOVEMBER 8 TH ON A TO FOLLOW BASIS AT 9:00 AM – PRETRIAL CONFERENCE THURSDAY, NOVEMBER 4 TH AT 2:00 PM
4:13	END	

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2010 OCT 25 A 8:04

MALE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

Glen E. Walker
Dennis Reuter
WALKER & WALL
Attorneys at Law
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814
Telephone: (208) 667-9531
Facsimile: (208) 667-8503
ISBN: 1894/6154
Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>Case No. CR-09-0403</p> <p>WAIVER OF DEFENSE ATTORNEY'S PRESENCE</p>
---	--

Defense attorney for defendant Tiffany Turbyfill hereby provides notice that he will not be physically present at the hearing to release Ms. Turbyfill on her own recognizance.

Circumstances

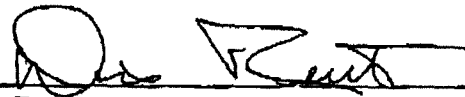
Defense attorney has a Motion to Suppress hearing on October 25 at around d 10:00 am (after the 8:30 jury status call) in the Kootenai County case of *State v. Jay Scott*, CR-10-10968, Judge Wayman presiding. That motion to suppress was previously continued, and will not be continued again. Mr. Walker, another defense attorney with this office, is out of the State and will not return until November 1.

Waiver

Defense attorney Dennis Reuter hereby waives his presence at the hearing to release Ms. Turbyfill on her own recognizance. Defense rests upon the information given to the Court in the Motion to Release O.R., filed on October 25, 2010.

DATED this 24th day of October, 2010.

WALKER & WALL
Attorneys for Defendant

By: 
Dennis Reuter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of October, 2010, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300

☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile To: 263-6726
☐ Overnight Mail



STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2010 OCT 25 A 8:04

HANE SCOTT
CLERK DISTRICT COURT
cm
DEPUTY

Glen E. Walker
Dennis Reuter
WALKER & WALL
Attorneys at Law
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Attorneys for Defendant

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>Case No. CR-09-0403</p> <p>MOTION TO RELEASE DEFENDANT ON HER OWN RECOGNIZANCE</p>
---	--

Defendant Tiffany Turbyfill, through her undersigned defense attorney, hereby provides a memorandum in support of her request to be released on her own recognizance pending trial the week of November 8, 2010.

Circumstances and Law

Defendant was arrested for DUI. Thereafter, she has missed at least two court dates in this case. Even though there are reasons why some of the errors in court dates and not showing

up were not entirely Ms. Turbyfill's mistakes, the bottom line is that she was responsible to make sure of the dates and to show up.

However, Tiffany's did turn herself in to the authorities on September 27, 2010, and has been in custody since then. Tiffany did this after her first child [REDACTED] was born in June. She did not want to have a warrant situation to interfere with their lives and is determined to resolve this case with no more missing court.

Idaho Criminal Rules, Rule 46, lists several factors for the Court to consider in releasing someone on their own recognizance. In this case, Tiffany still has part time work at Timber Creek Grill and Buffet in Spokane Valley, Washington.

Tiffany's family lives in the Spokane area with her Dad in Spokane and her Mom in the city of Ford, north of Spokane. If released, Tiffany and her son can stay with her mother, Denise Turbyfill, at 7753 Wellpinit Road, Ford, WA 99013 (509-258-4042).

Also, Tiffany's mom has committed to making sure Tiffany does not miss any future court dates. See the attached letter from Denise Turbyfill.

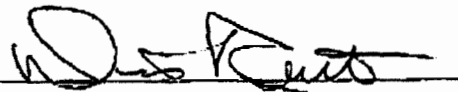
Tiffany has lived in Washington since she was 8 years old.

Conclusion

Given the fact that Tiffany turned herself in for the express purpose of resolving this matter, and with the assistance of her family promising transportation, she is an excellent risk for a release on her own recognizance.

DATED this 24th day of October, 2010.

WALKER & WALL
Attorneys for Defendant

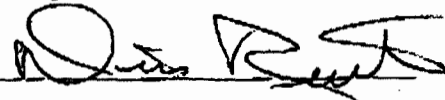
By: 
Dennis Reuter

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☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile To: 263-6726
☐ Overnight Mail



Oct. 23. 2010 7:50AM

Triumph Composite Systems

No. 0543 P. 2/2

10/22/2010

To Whom this may concern

I am aware of the importance
for Tiffany Turbyfill attending
any and all future court dates
concerning this case. I will
personally make sure that
she makes them.

Denise Turbyfill
509 258-4042
509 994-1495
P.O. Box 254
Ford, WA 99013

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: MISSY SECK
DIVISION: DISTRICT

CASE NO. CR-2009-0403
DATE: OCT 25, 2010 TIME: 10:00 AM
COURTROOM # 1

STATE OF IDAHO

VS TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: ROGER HANLON

Atty: DENNIS REUTER

SUBJECT OF PROCEEDINGS
CHARGE

MOTION TO RELEASE DEFENDANT

INDEX	SPEAKER	PHASE OF CASE
1021	J	Calls Case
		Present: ROGER HANLON; JANET WHITNEY FILLING IN FOR DENNIS REUTER; DEFENDANT IN CUSTODY
	J	NOTE THAT MR. REUTER DOES HAVE A CONFLICT; HE IS APPEARING IN STATE V SCOTT IN KOOTENAI COUNTY. IN HIS STEAD, MS. WHITNEY IS GOING TO BE FILLING IN. I HAVE SOME INITIAL QUESTIONS. TWO BENCH WARRANTS, ONE FOR EACH FTA? YOU CAN TALK TO YOUR CLIENT ABOUT THIS
	JW	SHE THINGS HER BOND IS \$140,000. IS THAT CORRECT?
	J	COULD BE.
	JW	BENCH WARRANT ISSUED AT A MOTION TO SUPPRESS. THEN I THINK ANOTHER ONE ISSUED WHEN SHE DIDN'T APPEAR AT PRETRIAL CONFERENCE.
	J	WAS SHE ARRESTED ON THE MOTION BENCH WARRANT?
	JW	SHE WASN'T ARRESTED UNTIL SHE TURNED HERSELF IN ON 9/27.
	J	ON 12/21/09 - PETITION TO REVOKE BAIL FILED BY MR. HANLON. REFLECTS HISTORY OF CASE. 3/27/09 MADE INITIAL APPEARANCE ON FELONY DUI. PD WAS APPOINTED. MR. HANLON STATES THAT ON 4/15/09 SHE FAILED TO APPEAR AT A PRELIMINARY. \$25,000 BAIL SET AND WARRANT ISSUED. JUDGE HEISE QUASHED WARRANT AND SET CONDITIONS OF RELEASE PURSUANT TO STIPULATION. MS. TURBYFILL SIGNED A DOCUMENT THAT SHE WAS AWARE OF THE CONDITIONS OF RELEASE.
	J	ON 5/27/09 SHE AGAIN FAILED TO APPEAR AT PRELIM. BENCH WARRANT, SERVED ON 12/9/09. FROM MAY TO DECEMBER. REMAINED IN CUSTODY UNTIL PRELIMINARY HEARING. FOLLOWING THAT BOND WAS REDUCED. SHE POSTED AND WAS RELEASED WITH TESTING CONDITIONS. SHE APPARENTLY DIDN'T DO. MR. HANLON REQUESTED BOND BE INCREASED TO \$50,000 WITH SAME CONDITIONS.
	JW	WE HAD STIPULATED THAT SHE COULD TEST 2X WEEKLY IN SPOKANE. DID THAT UNTIL RIGHT BEFORE MOTION TO SUPPRESS. I DON'T THINK SHE TESTED AFTER THAT. I REMEMBER THE PLACE SHE WAS TO TEST SENDING REPORTS TO THE BAILIFFS.
	J	I'M TRYING TO GET A CLEAR UNDERSTANDING OF FACTS. ASKING COUNSEL.
	JW	WE DID A BOND APPEARANCE AND THEY VACATED THEY QUASHED THE BENCH WARRANT AND RESET FOR PRELIM.

	J	THEN SHE FAILED TO APPEAR AT THE SECOND PRELIM. THAT'S TWO FAILURES TO APPEAR AT PRELIM.
	JW	YES. THAT'S CORRECT.
	J	THEN A MOTION TO SUPPRESS THAT WAS SCHEDULED.
	RH	THAT'S CORRECT.
	J	FAILS TO APPEAR AT THAT. ANOTHER BENCH WARRANT ISSUED.
	RH	CORRECT.
	J	THEN PRETRIAL SET AND FAILS TO APPEAR AND ANOTHER WARRANT ISSUED.
	RH	CORRECT.
	JW	I BELIEVE THAT IS ALL CORRECT. I REMEMBER WONDERING WHY THE PRETRIAL WAS SET WHEN THERE WAS ALREADY AN OUTSTANDING BENCH WARRANT.
	RH	THERE WAS A MOTION TO DISMISS THAT SHE FAILED TO APPEAR
	J	OKAY, NOT A MOTION TO SUPPRESS
	RH	AND THEN ANOTHER WARRANT ISSUED AFTER THAT FOR FAILURE TO APPEAR AT THE PRETRIAL.
	J	OKAY, AS THAT AS THE START, MS. WHITNEY, WITH HER NOT SHOWING UP ON 4 OCCASIONS, NOT FOLLOWING THROUGH ON TESTING, I NEED SOME CONVINCING ON HER PROMISE TO SHOW UP
1032	JW	ARGUMENT FOR BOND REDUCTION.
	J	MR. HANLON, STATE'S POSITION
	RH	ARGUMENT AGAINST BOND REDUCTION. THIS MOTION WAS BEFORE THE COURT IN OCTOBER, 2009. IT WAS DENIED. THERE IS NO CHANGES IN CIRCUMSTANCES. IN ADDITION TO HISTORY OF THIS CASE, 22 ENTRIES IN STATE OF WASHINGTON, INCLUDING A FELONY CONVICTION. SOME MAY BE CIVIL COLLECTION AND ONE IS A JUVENILE. ISSUES STARTED BEFORE SHE WAS AN ADULT.
	J	WHAT WAS FELONY?
	RH	DOESN'T SAY. THERE WAS AN ORDER FOR RESTITUTION SO IT COULD BE CHECK FRAUD OR SUCH.
	RH	ARGUMENT WAS MADE SHE HAS NO PLACE TO RUN. ISSUE IS WHETHER SHE SHOWS UP IN COURT AND HAS SIGNIFICANT HISTORY SHE DOES NOT DO THAT. ARRANGEMENTS HAVE ALREADY MADE FOR HER CHILD. COURT HAS MOVED HER TRIAL UP 2 WEEKS TO ACCOMMODATE HER STATUS.
	RH	HER MOTION TO DISMISS HAS BEEN DENIED. CONSIDERING ALL CIRCUMSTANCES, MOTION SHOULD BE DENIED UNTIL THIS MATTER IS RESOLVED BY TRIAL IN 2 WEEKS.
	J	MS. WHITNEY
1039	JW	MY CLIENT DID TELL ME OF THE FELONY. I DON'T KNOW MUCH ABOUT THE OTHER ISSUES. HER BABY IS ONLY 4 MONTHS OLD. ASK BOND BE REDUCED TO \$10,000. SHE IS SCHEDULED FOR TRIAL IN NOVEMBER. SHE COULD TEST IN SPOKANE, HAS DONE THAT BEFORE.
1040	J	MS. TURBYFILL, CAN YOU COMPOSE YOURSELF.
	DEF	YES.
	J	NO ONE WANTS TO TRUST SOMEONE AND THEN HAVE IT BETRAYED. SO WHEN A JUDGE SETS SOMETHING, THEY DO NOT WANT THAT BETRAYED. YOU HAVE MISSED 4 HEARINGS IN THIS CASE. WHY SHOULD I TRUST YOU.
	DEF	MY LIFE IS NOT ABOUT ME ANYMORE. I HAVE MY BABY TO THINK ABOUT. TURNING MYSELF IN WAS THE HARDEST THING I EVER HAD TO DO. I NEED TO TURN MY LIFE AROUND
	J	IF I REDUCE THE BOND AND YOU MAKE THE BOND, WILL YOU PROMISE TO TEST AS PREVIOUSLY ORDERED?
	DEF	YES. I HAVE ALREADY DISCUSSED THIS WITH MS. WHITNEY
	J	AND SHOW UP ON NOVEMBER 4 TH AT 2 PM FOR PRETRIAL
	DEF	YES SIR
	J	BASED ON YOUR BASED ACTIONS I CAN'T GIVE YOU O.R. I NEED ENOUGH OF

		A BOND THAT IF YOU DON'T SHOW UP, STATE OF WASHINGTON WILL EXTRADITE.
	J	I WILL REDUCE BOND TO \$30,000. IF YOU CAN POST THAT, YOU CAN BE RELEASED.
	DEF	CAN THAT BE A PROPERTY BOND
	J	YOU NEED TO DISCUSS THAT WITH YOUR LAWYER
	JW	NOTHING FURTHER.
1043	J	CONDITIONS OF RELEASE ARE AS FOLLOWS MS. TURBYFILL: WAIVE EXTRADITION CONTINUE TO TEST AT PREVIOUSLY ORDERED SCHEDULED POST \$30,000 SECURITY TO BE RELEASED. ASK MR. REUTER TO PREPARE THE ORDER.
1044		END

CR2009-403

WAIVER OF EXTRADITION

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

Bonner County, Idaho 2010-09-26 A 8:55

MARIE SCOTT
CLERK DISTRICT COURT
DEPUTY

I, **Tiffany Turbyfill**, do freely and voluntarily state that I am the identical person against whom criminal proceedings, charging me with the commission of a felony have been instituted in the County of **Bonner**, State of **Idaho**, and I further hereby freely, voluntarily and without promise of reward of leniency, agree, consent and elect to return to the County of **Bonner**, State of **Idaho**, without requisition papers, warrant of rendition or other form of processes, having for their purpose my return to said County and State.

THIS AGREEMENT AND WAIVER is made by me without any reference to my guilt or innocence and shall not be considered in any manner as prejudicing my case and not in any sense an admission of guilt, and further wholly exonerate and hold blameless in this matter the Sheriff of _____ County, State of _____, and all persons active under him, and agree to accompany to the State of **Idaho**, any peace officer who may be sent to take me to the State for trial.

THIS STATEMENT AND WAIVER, (made in triplicate) done at Sandpoint, Idaho, on October 25, 2010.

X Tiffany Turbyfill
Inmate Signature

Witnessed by:

X [Signature]
Deputy Shiell

X [Signature]
Deputy Alt

Dennis D. Reuter
GLEN WALKER & ASSOCIATES
 Attorneys at Law
 702 N. Fourth, Suite 200
 Coeur d'Alene, Idaho 83814
 Telephone: (208) 667-9531
 Facsimile: (208) 667-8503
 ISBN: 6154
Attorneys for Defendant

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2010 OCT 29 P 3:13

MARIE SCOTT
 CLERK DISTRICT COURT
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>Case No. CR-09-0403</p> <p>DEFENDANT'S REQUESTED JURY INSTRUCTIONS</p>
---	--

COMES NOW, the Defendant, Tiffany Turbyfill, by and through Dennis D. Reuter of the
 WALKER AND WALL LAW FIRM, attorneys for the Defendant, and hereby submits the
 proposed Jury Instructions 1 through 3 attached hereto.

DATED this 29th day of October, 2010.

WALKER AND WALL
 Attorneys for Defendant

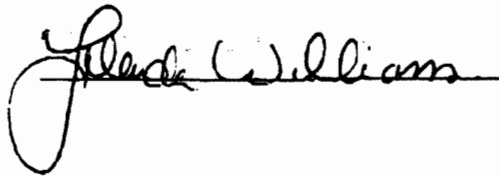
By: 
 Dennis D. Reuter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of October, 2010, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300

☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile To: 263-6726
☐ Overnight Mail



Defendant's # 1 - Driving with a BAC of .08 or above

In order for the defendant to be guilty of driving with a breath alcohol content of .08 or above, the State must prove each of the following:

1. On or about January 23, 2009
2. in the state of Idaho
3. the defendant Tiffany Turbyfill drove or was in actual physical control of
4. a motor vehicle
5. upon a highway, street or bridge or upon property open to the public,
6. while having an alcohol concentration of 0.08 or more, but not having an alcohol concentration of less than 0.08, as shown by analysis of the defendant's breath.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Source: Idaho Code §18-8004(2)

GIVEN _____
REFUSED _____
ACCEPTED _____
MODIFIED _____
COVERED _____

JUDGE

Defendant's # 2 – Under the Influence (Impair)

To constitute the crime of driving while under the influence of alcohol, it is not necessary that the driver of a motor vehicle be shown to have been in any particular degree or state of intoxication, but only that such driver at the time charged has consumed alcohol to such an extent as to influence his ability to drive a motor vehicle.

The influence must be noticeable or perceptible and impair a physical or mental function that relates to one's ability to drive.

Source: State v. Andrus, 118 Idaho 711, 800 P.2d 107 at 110 and 111(App.1990).
State v. Bailey, 117 Idaho 941, 792 P.2d 966 (Ct.App. 1990).
ICJI 1006 with "affect" removed or replaced with "impair"
Idaho Code §18-8004

GIVEN _____

REFUSED _____

ACCEPTED _____

MODIFIED _____

COVERED _____

JUDGE

Defendant's # 3 - Direction to Acquit

Based upon the evidence received in this case, I am advising you to find Tiffany Turbyfill "not guilty" of the charge of DUI . However, you are not bound by this advice, and may proceed to deliberate as in any normal criminal case.

Source: § 19-2123. Advisory instruction to acquit:

"If, at any time after the evidence on either side is closed, the court deems it insufficient to warrant a conviction, it must advise the jury to acquit the defendant. But the jury are not bound by the advice."

GIVEN _____

REFUSED _____

ACCEPTED _____

MODIFIED _____

COVERED _____

JUDGE

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER**

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: SUSAN AYERLE
DIVISION: DISTRICT

CASE NO. CR-2009-401/CR-2009-403
DATE: NOV 4 2010 TIME: 2:00 PM
CRTRM: 1

STATE OF IDAHO

vs

TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: PRIEST RIVER CITY PROSECUTOR – 401
 ROGER HANLON – 403

Atty: DENNIS REUTER

**SUBJECT OF PROCEEDINGS
CHARGE**

PRETRIAL CONFERENCE

INDEX	SPEAKER	PHASE OF CASE
219	J	Calls Case
		Present: DEF IN CUSTODY WITH DENNIS REUTER; ROGER HANLON FOR STATE
	J	WHERE ARE WE GOING TO TRIAL
	DR	GOING TO TRIAL
	J	REQUEST FOR SPECIFIC TRIAL DATE HOW LONG MR HANLON
	RH	THINKING A DAY POSSIBLY INTO 2 ND DAY FOR PHASE 2 OR CASE 2 BASED ON MY STYLE; NEVER TRIED CASE WITH MR REUTER BEFORE
	J	MR REUTER
	DR	WE CAN DO IT IN A DAY IF FOUND GUILTY WAIVE JURY AS TO PART 2 AND HAVE JUDGE BE TRIER OF FACT ON THAT PART OF THE CASE SEEMS FASTER WAY TO RESOLVE SHOULD CONVICTION OCCUR
	J	MR HANLON WAIVE JURY
	RH	ACCEPTABLE TO STATE IF NECESSARY TO DELAY TO LATER CAN DO WITH COURT TRIAL REASONABLE THING NO OBJECTION TO DOING THAT STATE WILLING TO WAIVE JURY
	J	BEGINNING TUESDAY – IF THERE ARE ISSUES HOW LONG TO PICK A JURY DON'T KNOW WHAT ISSUES ARE GOING TO BE
	DR	GOING TO BE FAIRLY FAST JURY WITHIN A COUPLE HOURS – BY END OF MORNING ALMOST ALWAYS
	J	START ON WEDNESDAY
	RH	MR REUTER WANTS TO START ON WEDNESDAY?
	J	YES
	RH	NO OBJECTION BUT WITNESSES SCHEDULED FOR MONDAY
	DR	I THOUGHT MONDAY WAS DAY NOT TO HAVE TRIALS
	J	START TRIAL MONDAY COUNSEL PRESENT AT 8:30 AM MY POLICY JURORS COME FIRST, LAWYERS COME 2 ND PRETRIAL ISSUES WILL BE TAKEN UP AT 8:30
	DR	WOULD LIKE HER TO WEAR STREET CLOTHES
	J	NO NEED FOR MOTION AND ORDER SHE CAN WEAR STREET CLOTHES

	BAILIFF	CHANGE HERE; WHOEVER BRINGS HER CLOTHES
	DR	HAD WHEN SHE TURNED HERSELF IN I HAVE TO GET FROM JAIL
	BAILIFF	YES
	RH	OR MAKE SURE JAIL SENDS WITH HER
	J	ANY OTHER ISSUES
	DR	NOT AWARE OF ANY
224	J	WE'LL SEE YOU MONDAY FOR TRIAL
224		END
225	J	MS LARSON WILL BE OUT OF STATE ON MONDAY SHE'LL BE BACK ON WEDNESDAY
	RH	STATE WILLING TO WAIVE RECORDING
	DR	RECORDED ELECTRONICALLY
	J	SAME AS DONE IN MAGISTRATE
	DR	WILLING TO WAIVE COURT REPORTER
	J	OKAY BEGIN MONDAY AT 8:30
226		END

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: NONE
CLERK: SANDRA RASOR
DIVISION: DISTRICT

CASE NO. CR-2009-401/ CR-2009-403
DATE: 11/08/10 TIME: 9:00 AM
CTRM 2

STATE OF IDAHO

vs TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Atty: DENNIS DALE REUTER

Atty: ROGER HANLON

SUBJECT OF PROCEEDINGS
CHARGE

JURY TRIAL DAY ONE

INDEX	SPEAKER	PHASE OF CASE
449	J	Calls Case
		Present: DENNIS DALE REUTER, ROGER HANLON
	J	THIS HEARING TAKING PLACE OUTSIDE THE JURY IN A SEPARATE COURTROOM RECEIVED REQUEST FROM MR. MCREYNOLDS FOR A TRANSCRIPT OF THE REPORT OF TIM REYNOLDS (REFERS TO SUPREME COURT OF IDAHO CASE)
	BOTH	HAVE REVIEWED
	RH	REPLAYING PORTIONS OF A RECORD TO A JURY GIVES IMPROPER SIGNIFICANCE THAT EVIDENCE BUT HAVE BEEN UNABLE TO FIND WHERE I READ THAT BUT GIVEN THAT I WILL NOT OBJECT IF THE JURY WISHES TO REVIEW A PORTION OF THE TESTIMONY IF WE CAN IDENTIFY IT.
	DR	WAIVE PRESENCE OF MY CLIENT IN THIS HEARING, I OBJECT TO THIS FIND DISC OTHER STUFF THAT MAY BE INCLUDED AT THE SAME TIME, ADVISE COURT THEY MUST RELY ON THEIR COLLECTIVE MEMORIES
	RH	NO OBJECTION
452	J	HAVE MS. TURBYFILL COME BACK TO COURT AND WE WILL MEET BACK THERE
454		END

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SUBJECT OF PROCEEDINGS
CHARGE

JURY TRIAL DAY ONE

INDEX	SPEAKER	PHASE OF CASE
836	CHRIS	ROLL CALL
		JAMES DESCANT ABSENT
		KYLE LOVELL ABSENT
		KELLY MILLER ABSENT
		GARY GREEN ABSENT
842	CHRIS	JURORS SEATED FIRST 27
901	J	Calls Case
		Present: DEFENDANT, DENNIS DALE REUTER, ROGER HANLON
	J	READ
902	BOTH COUNSEL	READY TO PROCEED
903	CLERK	VOIR DIRE OATH
	J	EXPLAINS PROCEDURE INTRODUCES COURT STAFF
908	RH	SUMMARIZES CASE
910	DR	SUMMARIZES CASE
911	J	FURTHER EXPLANATION ABOUT INFORMATION
912	CLERK	READS INFORMATION
913	J	TO THIS CHARGE MS TURBYFILL HAS PLED NOT GUILTY....
918	J	VOIR DIRE
919	J	NO ONE HAS RAISED HAND TO 1,2,
920	J	THOSE THAT KNOW ROGER HANLON,
	J	MR. AULLETTA EXCUSED
		CARLINA EICH TAKES MR. AULETTA'S SEAT
921	J	MR HAGADONE TAKES SEAT INSTEAD
927	J	CONTINUES
930	JUROR	MS. LORAH EXPRESSES DOUBT AS TO WHETHER OR NOT SHE COULD BE FAIR
	J	(DISCUSSES)
	J	ANY OBJECTION TO EXCUSING MS. LORAH
	BOTH	NO
	J	EXCUSED, CARLINA EICH REPLACE MS. LORAH
932	CE	REMEMBER PREVIOUS VOIR DIRE NO TO ALL QUESTIONS
933	J	CONTINUES
937	COUNSEL	NO OTHER WITNESSES TO DISCLOSE

	J	CONTINUES CONCERNING INSTRUCTION PROCESS (NO HANDS RAISED)
938		DISCUSSION CONCERNING FAMILY OR FRIENDS WHO HAVE BEEN CONVICTED OF DUI
947	J	DISCUSSION CONCERNING KNOWLEDGE OF PEOPLE IN LAW ENFORCEMENT
949	J	REGARDING WHO HAS PREVIOUSLY SERVED ON A JURY
951	J	INTEREST IN THIS LAWSUIT OR OUTCOME UNWILLING OR UNABLE ANY REASON WHY YOU CANNOT GIVE FULL ATTENTION AND GIVE FAIR JUDGMENT
953	RH	VOIR DIRE
1010	J	WE WILL TAKE A SHORT BREAK, DO NOT FORM OR EXPRESS AN OPINION.... 15 MINUTES
1010		OFF RECORD
1026		ON RECORD
1026	DR	VOIR DIRE
1029	DR	ASK AMANDA DEBENDERFER BE EXCUSED
	RH	INQUIRES/ WILL NOT STIPULATE
	DR	INQUIRES FURTHER/ WITHDRAW MY REQUEST
1032	DR	CONTINUES VOIR DIRE
1037	J	MS. OVERSTREET?
1038	DR	CONTINUES VOIR DIRE
1041	COUNSEL	PASS FOR CAUSE
1041	J	WE WILL NOW EXERCISE PEREMPTORY CHALLENGES, YOU WILL BE EXCUSED DO NOT DISCUSS CASE JURORS COME BACK AT FIVE MINUTES AFTER ELEVEN.
1043		OFF RECORD
1053		ON RECORD
	J	WE ARE GOING TO HAVE 13 JURORS, EACH SIDE WILL HAVE 7 PEREMPTORY CHALLENGES
1002		JURY RETURNS
1105	J	LISTS JURORS, REMINDS OTHERS TO CALL IN, EXCUSES
1106	CLERK	JURORS OATH
1107	J	WELCOMES JURORS AND READS INITIAL INSTRUCTIONS
1125	RH	OPENING STATEMENT
1130	DR	OPENING STATEMENT
1133	RH	CALLS TIM REYNOLDS
1134	CLERK	ADMINISTERS OATH
	RH	DIRECT
	TR	TIM REYNOLDS OFFICER OF BCSO, POST CERTIFIED AT TIME OF STOP, IDENTIFIES DEFENDANT
	DR	STIPULATE THAT THIS IS THE WOMAN STOPPED
1135	TR	MY PC FOR STOP WAS A BROKEN TAIL LIGHT (WHITE SHOWED THROUGH) SHE STOPPED ON HIGHWAY 2 PRIEST RIVER IDAHO, I INFORMED HER OF REASON FOR STOP, I COULD SMELL ALCOHOL ON HER BREATH, I ASKED HER IF SHE HAD BEEN DRINKING ALCOHOL, SHE REPLIED SHE HAD BEEN DRINKING, FOLLOWED STANDARD OPERATING PROCEDURE, I AM TRAINED IN ADMINISTRATION OF EVALUATIONS, SHE PERFORMED THE FIELD SOBRIETY EVALUATIONS, I USED THE BREATHALYZER, I AM TRAINED IN THE USE OF THE BREATHALYZER, SHE PROVIDED ME WITH SAMPLES WHEN ASKED, (DESCRIBES PROCEDURE) FIRST TEST INDICATED .054. YOU ALWAYS DO TWO BREATH TESTS TO VALIDATE THE FIRST TEST, SHE PROVIDED A SECOND TEST THAT ONE WAS .108, THE MACHINE ASKED FOR A THIRD SAMPLE, AN AIR BLANK WAS RUN BETWEEN EACH TEST, SHE PROVIDED A THIRD SAMPLE IT WAS .110. NO FURTHER TESTING I THEN HAD PC TO CHARGE HER WITH DUI.
1144	DR	CROSS
	TR	NOTHING SHE DID WRONG IN 2 ND AND 3 RD TEST, SHE BLEW AS REQUESTED

		THE FIRST TIME, ALCHOSENSOR THREE I HAVE USED MANY TIMES, FIRST BLOW CAN BE CONSIDERED A VALID SAMPLE IF THEY REFUSE TO PROVIDE MORE SAMPLES, PURPOSE OF DEEP BREATH IS TO GET A LUNG SAMPLE. IF THEY BLOW THROUGH THE TUBE PROPERLY A READING WILL RESULT, IF THIRD SAMPLE WAS NOT WITHIN 2 POINTS OF EITHER READING I BELIEVE THE PROCESS IS TO GET ANOTHER MACHINE, I SHOW NOBODY THE READINGS UNTIL AFTER THE TEST IS OVER
1149	RH	REDIRECT
	TR	THERE WAS A DIFFERENCE IN HOW SHE BLEW BETWEEN FIRST AND NEXT TWO TESTS, THE FIRST TEST I BELIEVE SHE BLEW AROUND THE OPENING SHE DID NOT DO THAT ON THE 2 ND AND 3 RD TESTS, RULE OF THUMB IS PRESS TESTING BUTTON AFTER 7 SECONDS OR MORE, (EXPLAINS OPTIONS OF ONLY ONE BLOW AND A REFUSAL)
1153	DR	RECROSS
	TR	PART OF TRAINING IS HOW TO WRITE POLICE REPORTS, NOTHING IN REPORT CALLED INTO QUESTION ANYTHING INCORRECT ABOUT PUTTING HER LIPS AROUND THE TUBE DIFFERENTLY, IN SUPPLEMENT PUT IN THAT TIFFANY PROVIDED SHALLOW SAMPLE,
1156	RH	OBJECT TO THE FORM OF QUESTION
	TR	AS IT GOES TO BIAS
	J	ALLOW AS RELATES TO BIAS
	TR	BELIEVE I AM BEING 100% FAIR, DON'T RECALL IF ANYONE CALLED ME ABOUT WRITING A SUPPLEMENT FIVE DAYS LATER
1157	RH	REDIRECT
	TR	NO PRELIMS BEFORE I WROTE THE SUPPLEMENT
	DR	RECROSS
	TR	CONFIRMS
1159	J	JURY IF ANY QUESTIONS PLEASE WRITE ON A PIECE OF PAPER
	CLERK	MARKS COURT'S EXHIBITS 1 AND 2
1202	J	EXCUSES JURY TO JURY ROOM
1202	J	INFORMS COUNSEL OF QUESTIONS
	J	ANY OBJECTION TO QUESTIONS ABOUT TIME?
	RH	NO
	DR	OBJECTION NOT RELEVANT
	J	IF MODIFIED TO JUST TIME BETWEEN 1,2 AND 3
	BOTH	NO OBJECTION
	J	I WILL MODIFY
1204	BOTH	NO OBJECTION TO CALIBRATION QUESTION OR IF MACHINE HAD BEEN USED ALREADY OR CLARIFICATION OF WHEN THE SUPPLEMENTAL REPORT WAS ENTERED,
1250		JURY RETURNS
	J	ASKS QUESTIONS
1205	TR	TIME BETWEEN EACH SAMPLE THERE IS A TWO MINUTE WAITING PERIOD BEFORE YOU DRAW AN AIR BLANK SO 3 ½ BETWEEN EACH, ALL MACHINES HAVE BEEN CALIBRATED BY THE STATE, DON'T RECALL IF IT HAD BEEN USED OR NOT WITHOUT LOOKING AT THE LOG SHEET, THE SUPPLEMENTAL REPORT WAS 5 DAYS LATER
1207	RH	NO FURTHER QUESTIONS
	DR	RECROSS
	TR	SUPPLEMENT DID NOT INCLUDE ABOUT HER BLOWING AROUND THE TUBE,
1207	J	WE WILL TAKE A NOON RECESS UNTIL 1:30 PM, DO NOT DISCUSS...
1208		JURY EXCUSED OFF RECORD
		OFF RECORD
129		ON RECORD
	J	GREETES JURORS
	RH	CALL JEREMY JOHNSTON

130	CLERK	JEREMY JOHNSTON SWORN
	RH	DIRECT
	JJ	EMPLOYED BY IDAHO STATE POLICE AS A FORENSIC SCIENTIST (DESCRIBES OCCUPATION) (CITES DEGREES AND TRAINING PAST AND PRESENT) IDAHO LAW 301 GRANTS IDAHO STATE POLICE AND THEREFORE THE IDAHO FORENSIC LAB THE AUTHORITY TO GOVERN THE BREATH TESTING PROGRAM IN IDAHO, THE PURPOSE OF THE PROCEDURE IS TO GET KNOWLEDGE AS TO WHAT THE PERSONS TRUE ALCOHOL CONCENTRATION IS, THINGS PUT IN PLACE TO PREVENT FALSE READINGS,
136	DR	OBJECTION
	J	SUSTAINED
	JJ	00.080 IS THE LIMIT IN THE STATE OF IDAHO, REPORTED AS GRAMS PER 210 LITERS OF BREATH, S.O.P. 15 MINUTE WAITING PERIOD, (EXPLAINS WHY) 2 ND APPROPRIATELY GATHER INFORMATION, IF SAMPLE TAKEN TO SOON OFFICER WOULD GET A FALSE LOW RATING, WATCH OUT FOR PERSONS BREATHING PATTERN, AFTER FIRST PART IS DONE THEN TAKE ANOTHER SAMPLE BLANK THEN A SECOND SAMPLE EVENT, IT OUTSIDE OF .02 DIFFERENCE THEN HAVE A FALSE HIGH OR LOW READING IN THAT CASE YOU TAKE A THIRD SAMPLE,
141	DR	OBJECTION SPECULATION
	J	I AM LOOKING AT IT AS A FOUNDATIONAL QUESTION THEN I WILL ALLOW IT,
	JJ	(USES BOARD TO DRAW PICTURE)
143	RH	ILLUSTRATE THE CIRCUMSTANCES THAT MIGHT PROVIDE A SAMPLE THAT IS NOT CONSISTENT WITH PERSONS ACTUAL
	DR	OBJECTION
	J	GOING TO SUSTAIN AT THIS POINT
	RH	CONTINUES DIRECT
	JJ	MORE THAN ONE SAMPLE NEEDED BECAUSE MANY DIFFERENT REASONS WHY THERE MIGHT NOT GET A TRUE SAMPLE
144	DR	OBJECTION
	J	SUSTAIN AS TO FOUNDATION
	DR	OBJECTION RELEVANCE
145	J	OVERRULE FOUNDATIONAL AS TO RELEVANCY OVERRULE
	JJ	S.O.P. FOR BREATH TESTING IS (REPEATS WHAT WAS STATED PREVIOUSLY)
	DR	OBJECTION
145	J	INSTRUCT YOU AS JURORS TO DISREGARD AS IT WENT BEYOND S.O.P.
	RH	CONTINUES
147	JJ	LACK OF .02 BETWEEN TESTS SHOWS SOMETHING IS EFFECTING ONE OF THE TESTS, A THIRD IS THEN REQUIRED,
148	DR	OBJECTION
	J	JURORS I WILL EXCUSE YOU FOR A FEW MINUTES DO NOT DISCUSS....
148	J	NO FOUNDATION AS TO HOW HE GETS TO THE .02 CORRELATION
150		JURY RETURNS
151	RH	CONTINUES DIRECT
	JJ	MY BASIS FOR KNOWING THE .02 CORRELATION IS TRAINING AND STUDYING AND TESTING, I HAVE TAUGHT TWO CLASSES PER YEAR SINCE 2005, MY JOB TO TEST ANY NEW SCENARIOS, MOUTH, SHALLOW LUNGS AND DEEP LUNGS (ILLUSTRATES) DIFFERENT TECHNIQUES FOR OFFICERS TO USE FOR WHEN TO PUSH BUTTON AND TAKE SAMPLE. WHEN THEY GET TO THE DEEP LUNG AIR IT PLATEAUS OUT,
201	DR	OBJECTION SPECULATION
	RH	TESTIFYING AS AN EXPERT WITNESS, NOT A FACT WITNESS TO THE CASE BUT INFO THAT WOULD HELP THE JURY WITH UNDERSTANDING THE TESTING PROCESS
	J	I THINK HEADING INTO AN AREA TOO DEEP, DON'T FORM OR EXPRESS AN OPINION....
202		JURY RETIRES TO JURY ROOM

	J	WANT TO MAKE SURE I UNDERSTAND THE NATURE OF THE OBJECTION (PARAPHRASES DEFENDANT'S COUNSEL) MR. HANLON I AM LEANING THAT WAY AT T HIS POINT...
	RH	PART OF WHAT AN EXPERT WITNESS DOES IS TO HELP JUROR UNDERSTAND...
	DR	ARGUMENT
206	J	LETS ADDRESS THAT ISSUE
	RH	QUESTIONS WITNESS
	JJ	I KNOW THE FACTS, I DO HAVE AN OPINION,
210	DR	RELIES ON A CERTAIN PERCEPTION IF HE IS GOING TO MAKE ASSUMPTIONS ABOUT THE BLOW, GETTING CLOSER NOT THERE YET,
213	J	I AM ASSUMING MR. HANLON WILL SET FORTH THE FACTS OFFICER GAVE, DON'T WANT JURORS TO HAVE TO GO IN AND OUT, IN AND OUT, ANY OTHER OBJECTION
	DR	NO, YOUR HONOR
214	J	THANK YOU FOR YOUR PATIENCE MR. HANLON?
	JJ	BLOWING OUTSIDE THE TUBE AND NOT HAVING A TIGHT SEAL ON THE MOUTHPIECE COULD GIVE A FALSE LOW READING, S.O.P. IS TO GET ANOTHER SAMPLE IF NOT WITHIN .02 OF EACH OTHER YOU GET A THIRD SAMPLE, IF 2 ND TWO SAMPLES CORRELATED AND FIRST DID NOT THEN THE FIRST WOULD BE INVALIDATED AND THE SECOND TWO WOULD BE THE TRUE RESULT,
218	DR	CROSS
	JJ	EMPLOYEE IDAHO STATE POLICE LAB, FALSE POSITIVE OR FALSE NEGATIVE LANGUAGE IS NOT IN THE S.O.P. IN CERTAIN CIRCUMSTANCES ONE READING COULD BE USED FOR PROSECUTION, IF A SINGLE SAMPLE WAS GIVEN DUE TO REFUSAL TO GIVE 2 ND TWO SAMPLES. EXACT DEFINITION OF THE WORD VALID NOT IN S.O.P.
227		
227	RH	REDIRECT
	DR	OBJECTION TO ANY ITEM RATHER THAN THE ALCOHOSENSOR THREE
	JJ	UP TO OFFICER TO DO AS PART OF S.O.P.
229	JJ	CAN'T DETERMINE THE VALIDITY OF A SINGLE SAMPLE WITHOUT ANOTHER SAMPLE TO COMPARE IT TO. WITH THE THREE SAMPLES THE LOWER SAMPLE WOULD HAVE BEEN INVALIDATED UNDER THE CIRCUMSTANCES OF THIS CASE,
231	DR	RECROSS
	JJ	14, 19 AND 14. THE 19 WOULD BE INVALID, THE TWO WITHIN .02 ARE THE VALID SAMPLES,
233	J	JURORS EXCUSED BRIEFLY
	J	READS QUESTION
	DR	OBJECTION
	J	SUSTAIN AS TO TERMS OF FOUNDATION
	J	READS QUESTION
	DR	OBJECTION
235	J	SUSTAINED WILL NOT ALLOW QUESTIONS
236		JURY RETURNS
	J	SOMETIMES QUESTIONS CAN'T BE ASKED AT THIS POINT I WILL EXCUSE MR. JOHNSTON, ANY ADDITIONAL TESTIMONY?
	RH	STATE RESTS
237	DR	NO TESTIMONY NOT GOING TO BE PRESENTING A CASE
237	J	EXPLAINS WILL TAKE ABOUT 45 MINUTES TO COMPLETE JURY INSTRUCTIONS AND MAKE COPIES, I WILL EXCUSE YOU RETURN BY 3:30 PM
239		JURY EXCUSED
	J	JURORS EXCUSED MR. REUTER
	DR	MOVE FOR JUDGMENT OF ACQUITTAL WE HAVE SITUATION WHERE THERE IS AN .05 IT IS NOT INADMISSIBLE IT IS NOT UNRELIABLE, CANNOT BE PROSECUTED,

243	J	(READS CODE) DO WE AGREE THERE IS NO OTHER COMPETENT EVIDENCE
	RH	BY VIRTUE OF JUDGE HAMLETT'S RULING AT PRELIM NO OBSERVATION I WOULD AGREE THAT IS THE CASE, RESPOND THE SAME WAY AS IN TWO PRIOR OCCASIONS THAT SAME ISSUE WAS RAISED BEFORE THE COURT, RAISES THE MILLS ISSUE, WE HAVE ARGUED AT THE PRELIM AND AT THE MOTION TO DISMISS, MILLS CASE SAYS THE COURT WILL CONSIDER A SINGLE TEST A VALID TEST UNDER THE STATUTE IF ABSENCE OF ANY INFORMATION INDICATING IT IS INVALID, COURT RULED THAT THIS WAS NOT A PROPER CASE TO DISMISS UNDER THE MILLS CASE, QUESTION FOR JURY TO DECIDE, IT WOULD REVERSE THE COURTS RULING IF JURY WERE NOT ALLOWED TO DECIDE, CONSIDER CONTEXT OF LITIGATION IN THIS CASE, ARGUMENT, CASE SHOULD NOT BE DISMISSED
249	DR	JUDGMENT OF ACQUITTAL, STATUTORY GROUNDS, NOTHING INCONSISTENT BETWEEN THE TWO RULINGS
	J	AS I READ STATUTE ISSUE WAS AN INTERPRETATION OF THE CONCEPT OF A TEST REQUESTED BY A POLICE OFFICER, MILLS CASE DID TO A CERTAIN EXTENT INTERPRET THAT ISSUE, IN THIS CASE WE HAVE SEPARATE FACTS, UNDER THESE CIRCUMSTANCES IT BECOMES A QUESTION OF FACT WHAT THE BLOOD ALCOHOL CONTENT WAS AS MEASURED BY THE BREATH, IN ESSENCE THE TEST SHOWS BLOOD ALCOHOL OF LESS THAN .08 CAN'T BE PROSECUTED IN THIS CASE DOES THAT PERSON HAVE BLOOD ALCOHOL CONTENT UNDER .08. TEST REQUESTED BY POLICE OFFICER IS TEST IN ITS ENTIRETY, DENY THE MOTION AT THIS POINT YOU WILL TAKE A 15 MINUTE RECESS, I WILL MAKE REVISION OF INSTRUCTIONS, WE WILL BE BACK AT 3:10, LATE JURORS CAN TAKE BREAK ALSO FOR 15 MINUTES
253		OFF RECORD
312		ON RECORD
	J	JURORS NOT IN COURTROOM NOT GIVING INSTRUCTION NUMBER TWO, INSTRUCTION NUMBER THREE HAS BEEN COVERED IN THE MOTION, AS RELATES TO INSTRUCTION ANY PERSON HAVING ALCOHOL CONCENTRATION OF LESS THAN .08 AS SHOWN BY POLICE OFFICER....DOVETAILS BACK TO COURTS EARLIER DECISION AND IS COVERED WHICH IS SET FORTH IN INSTRUCTION 14 WHICH IS WHAT I CALL CHARGING INSTRUCTION I THINK IT WILL CAUSE CONFUSION AND NOT IN THE BEST INTEREST OF THE DEFENSE EITHER, (EXPLAINS) OPEN TO ARGUMENT...
315	J	WILL GO THROUGH ONE BY ONE,
	RH	ANY OBJECTION TO 10, 11,
	DR	NO OBJECTION TO ANY
	J	NO OBJECTION TO ANY OF THE GIVEN INSTRUCTIONS, INSTRUCTION 8004(2) UNDERSTAND COURTS REASONING YES IT IS CONFUSING BUT STILL A STATUTE THAT SAYS YOU SHALL NOT BE PROSECUTED
	J	WITH DUE RESPECT I UNDERSTAND WHAT YOU ARE SAYING I JUST THING THAT THE ISSUE IN THIS CASE IS WAS THE DEFENDANT DRIVING UNDER THE INFLUENCE BY HAVING .08 OR ABOVE DECLINE TO DO IT, WILL HAVE MY CLERK MAKE COPIES AS TO THOSE JURORS, JAMES DESCANT, KELLY MILLER, GARY SHANE GENTLEMEN I WILL TAKE UP YOUR ISSUES LATER ON YOU CAN COME BACK AT 3:30 DON'T HAVE TIME TO DO IT NOW
318		OFF RECORD
331		ON RECORD
		JURY RETURNS
332	J	READS INSTRUCTIONS TO THE JURY
343	RH	CLOSING ARGUMENT
351	DR	CLOSING ARGUMENT
400	RH	REBUTTAL CLOSING ARGUMENT
406	J	ALTERNATE JUROR CHOSEN GAIL GUHLKE
408	CLERK	BAILIFF'S OATH

409	J	NOW FREE TO DISCUSS CASE, JURORS IN DELIBERATION
409	J	COUNSEL EXCUSED LEAVE PHONE NUMBER SO YOU CAN BE CALLED
410	J	NOW ADDRESS JURORS THAT ARRIVED LATE
	J	WHY WERE YOU NOT PRESENT THIS MORNING?
	MR. SHANE	I HAVE NO VALID EXCUSE, JUST DROPPED THE BALL, JUST FOULED UP,
	J	BE SURE TO CALL IN THIS FRIDAY AFTER 6:00
412	J	MR. MILLER?
	MR. MILLER	DUE TO MY CASE I HAD COURT HERE ON FRIDAY AND IT HAS BEEN ON MY MIND ABOUT MYSELF I DIDN'T CALL IN ON FRIDAY
	J	BE SURE TO CALL THIS FRIDAY AFTER 6:00
	MR. DESCANT	I WAS WORKING ON A JOB IN SANDPOINT AND WAS CALLED TO MONTANA FOR A WEEK AND ENDED UP BEING TWO WEEKS, I DIDN'T HAVE MY PAPERWORK WITH ME AND DIDN'T EXPECT JOB TO BE THAT LONG
	J	YOU ARE EXCUSED BE SURE TO CALL IN FRIDAY
414	J	ATTORNEYS I APPRECIATE YOUR PROFESSIONALISM THANK YOU FOR YOUR INCISIVE WAY OF HANDLING THIS CASE COULD HAVE TAKEN 2 DAYS BUT THANKS TO YOUR ORGANIZATION AND KNOWING WHAT TO ASK IT DID NOT.
414		OFF RECORD
456		ON RECORD
	J	THIS IS WHAT I WILL SAY AT THIS POINT WE DO NOT HAVE A COURT REPORTER WHO HAS TAKEN DOWN TESTIMONY WORD FOR WORD IN ORDER TO HAVE TRANSCRIPT PREPARED SOMEONE WOULD HAVE TO LISTEN TO THE PROCEEDINGS AND TYPE IT AS THEY LISTEN, THIS WOULD TAKE HOURS, THEREFORE YOU MUST RELY ON YOUR MEMORY AND YOUR NOTES, ANY STATEMENTS ABOUT THAT METHOD
458	RH/DR	NO OBJECTION
459		JURY RETURNS
	J	AT THIS POINT WE DO NOT HAVE A COURT REPORTER WHO HAS TAKEN DOWN TESTIMONY WORD FOR WORD IN ORDER TO HAVE TRANSCRIPT PREPARED SOMEONE WOULD HAVE TO LISTEN TO THE PROCEEDINGS AND TYPE IT AS THEY LISTEN, THIS WOULD TAKE HOURS, THEREFORE YOU MUST RELY ON YOUR MEMORY AND YOUR NOTES I AM GOING TO SEND YOU BACK INTO THE JURY ROOM
500		OFF RECORD
		ON RECORD
	J	WE WILL TAKE GUILTY PLEA BEFORE JURY RETURNS IN REGARD TO THE OTHER ISSUE, CR-2009-401 MR. HANLON WHICH CHARGE ARE YOU PURSUING,
	RH	I WOULD MOVE TO DISMISS THE FALSE INFORMATION CHARGE
	J	THERE BEING NO OBJECTION THE FALSE INFORMATION TO A POLICE OFFICER WILL BE DISMISSED, I REMIND YOU OF YOUR RIGHTS (READS RIGHTS) DO YOU WISH TO PLEAD GUILTY TO DRIVING WHILE SUSPENDED
	DEF	PLEAD GUILTY TO DRIVING WHILE SUSPENDED
	J	I ACCEPT YOUR PLEA
514		JURY RETURNS
	J	THANK YOU FOR YOUR TIME
	CLERK	GUILTY VERDICT READ
	J	RETURN TO JURY ROOM FOR JUST A COUPLE MINUTES THEN I WILL BRING YOU BACK TO COURT
515	J	IN OFF RECORD CONVERSATION INDICATED WILLING TO WAIVE JURY PROOF OF THE PREVIOUS CONVICTIONS ANY OBJECTION TO COURT TRIAL MR. HANLON
	RH	JOIN IN WAIVER OF JURY
516		JURY RETURNS
	J	SINCERELY APPRECIATE THE SERVICE YOU HAVE PROVIDED, THERE IS ANOTHER PORTION OF THIS CASE YOU WILL NOT HEAR BECAUSE THEY ATTORNEYS AGREED TO HAVE COURT TRIAL. THANK YOU AGAIN FOR YOUR

		SERVICE, YOU ARE FREE TO TALK TO WHOEVER YOU WISH TO ABOUT THIS CASE, YOU DO NOT HAVE TO REMAIN SILENT, HOWEVER YOU DO HAVE TO TALK TO ANYONE, IT IS UP TO YOU. REMEMBER THAT YOUR FELLOW JURY MEMBERS BELIEVED THE DELIBERATIONS WERE IN PRIVATE SO PLEASE CONFINE YOUR COMMENTS TO YOUR OWN THOUGHTS
520	J	JURY EXCUSED
	J	IT IS 5:20 I AM HAPPY TO CONTINUE
	DR	IT WON'T TAKE LONG
	RH	YES PROCEED
	J	TEN MINUTE RECESS
520		OFF RECORD
534		ON RECORD
	DR	WE WILL STIPULATE TO AGREE TWO PRIOR DUIS ARE WITHIN THE LAST TEN YEARS
	J	ALRIGHT MS. TURBYFILL IS THAT WHAT YOU WANT TO DO
	DEF	YES YOUR HONOR
	J	SO YOU ADMIT THAT (READS PREVIOUS CHARGE)
	DEF	YES
	J	AND ALSO (READS PREVIOUS CHARGE)
	DEF	YES YOUR HONOR
	J	IN TERMS OF SENTENCING...I NEED TO GET ANOTHER CALENDAR
536	DR	STATE DOES NOT OPPOSE AN O.R. RELEASE
	RH	AGREE I WILL STATE THAT IN A MOTION
	J	SET SENTENCING ON THESE TWO MATTERS 403 AND 401 FOR JANUARY 18 TH WHICH IS A TUESDAY AT 3:00 ORDER A PRESENTENCING INVESTIGATION , ORDER YOU TO CONTACT PSI ALSO AN ALCOHOL EVALUATION WILL NEED TO BE COMPLETED, THERE IS A STIPULATION FOR YOUR RELEASE ON YOUR OWN RECOGNIZANCE, IF YOU DO NOT SHOW UP IN COURT AND DO NOT DO WHAT YOU ARE SUPPOSED TO DO IT WOULD NOT LOOK GOOD FOR YOU IN COURT, I AM GOING TO HONOR YOUR REQUEST, YOU HAVE HAD FOUR PRIOR OCCASIONS WHEN YOU HAVE NOT SHOWN UP, YOU MUST SHOW UP AND YOU MUST CONTACT PSI AND AN ALCOHOL EVALUATOR AND HAVE THOSE REPORTS PREPARED BY TIME OF SENTENCING, CONTACT THEM BY NO LATER THAN WEDNESDAY AFTERNOON NOVEMBER 10 TH I RECOMMEND YOU DO IT TOMORROW, GET A SPECIFIC DATE SO IT CAN BE COMPLETED IN TIME, DON'T WANT YOU COMING INTO COURT SAYING YOU DON'T HAVE THOSE THINGS IF YOU DO THAT THERE WILL BE A WARRANT AND YOU WILL BE BACK IN JAIL
540		END

STATE OF IDAHO }
County of Bonner } ss
FILED 11/8/10
AT 5:40 O'Clock P M
CLERK, DISTRICT COURT
cm
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-2009-0000403
)	
vs.	)	VERDICT
)	
TIFFANY LEIGH TURBYFILL)	
)	
Defendant.)	
_____)	


We, the Jury, for our verdict, unanimously answer the question submitted to us as follows:

QUESTION: Is TIFFANY LEIGH TURBYFILL guilty or not guilty of DRIVING UNDER THE INFLUENCE?

Not Guilty _____

Guilty X

DATED this 8th day of November, 2010.



Presiding Juror
James McReynolds

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

COURT MINUTES

JUDGE: STEVE VERBY
REPORTER: VAL LARSON
CLERK: CHERIE MOORE
DIVISION: DISTRICT

CASE NO. CR-2009-0000403/CR-2009-0000401
DATE: 01/18/2011 TIME: 3:00 PM
COURTROOM: 4

STATE OF IDAHO

vs. TIFFANY LEIGH TURBYFILL

Plaintiff / Petitioner

Defendant / Respondent

Attorney: ROGER HANLON

Attorney: DENNIS REUTER

SUBJECT OF PROCEEDINGS: SENTENCING

INDEX	SPEAKER	PHASE OF CASE
3:06	J	Calls Case
		Present: DEFENDANT, DENNIS REUTER, ROGER HANLON
	J	DOES EITHER SIDE WISH TO PRESENT TESTIMONY?
	RH	THE STATE DOES NOT
	DR	NO, YOUR HONOR
	J	MR. REUTER, YOUR COMMENTS AND RECOMMENDATIONS?
	DR	SHE HAS GOTTEN A SUBSTANCE ABUSE EVALUATION – HER FIRST CLASS IS THURSDAY – SHE HAS GIVEN BIRTH TO HER SON – HAS CAUSED A DRAMATIC SHIFT AND CHANGE – SHE SEES MORE CLEARLY THE NEED FOR OBEDIENCE TO THE LAW – ASK THAT YOU PLACE HER ON PROBATION WITH TIME SERVED
	J	MR. HANLON?
	RH	UNIFIED SENTENCE OF 3 YEARS, 1 FIXED, SUSPENDED, NOT MORE THAN 180 DAYS LOCAL TIME, CREDIT FOR TIME SERVED 5 YEARS PROBATION – ANTICIPATE INTERSTATE TRANSFER TO THE STATE OF WASHINGTON, LICENSE SUSPENSION FOR 1 YEARS, IGNITION INTERLOCK DURING BALANCE OF PROBATION
	J	REBUTTAL?
3:11	DR	NO, YOUR HONOR
	J	MS. TURBYFILL, IS THERE ANYTHING YOU WOULD LIKE TO SAY?
	DEF	THANK YOU FOR WORKING WITH ME
	J	IS THERE ANY LEGAL CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED?
	DR	NOT THAT I'M AWARE OF
	j	HAVING ENTERED A PLEA OF GUILTY TO THE OFFENSE OF DRIVING UNDER THE INFLUENCE, A FELONY, IT IS THE JUDGMENT OF THIS COURT THAT YOU ARE GUILTY OF THAT OFFENSE IMPOSE \$115.50 COURT COSTS \$1,000 FINE PLACE YOU ON PROBATION FOR 5 YEARS IMPOSE 3 YEAR PRISON SENTENCE, 1 YEAR FIXED, 2 YEARS INDETERMINATE, NOT TO EXCEED 3 YEARS GO OVER TERMS AND CONDITIONS WITH YOUR CLIENT
3:14	END	
3:22	RESUME	

	J	THE DRIVING UNDER THE INFLUENCE CASE WAS ADDRESSED – COMPLETE 100 HOURS OF COMMUNITY SERVICE WITHIN 2 YEARS SERVE 60 DAYS IN JAIL – CREDIT FOR TIME SERVED – OBJECTION?
	RH	NO, YOUR HONOR
3:23	J	ANY REMAINING TIME TO SERVE ON THE WEEKENDS – MAKE ARRANGEMENTS – REPORT JANUARY 28 TH DRIVER'S LICENSE SUSPENSION FOR 1 YEAR FROM RELEASE IGNITION INTERLOCK ON THE DRIVING WHILE SUSPENDED, IMPOSE \$300 FINE – PAY WITHIN 1 YEAR JAIL TIME OF 10 DAYS TO BE SERVED CONCURRENTLY WITH THE JAIL TIME ON THE FELONY
3:26	END	
3:30	RESUME	
	J	REQUEST WAS MADE TO CHANGE THE SERVICE OF JAIL TIME BEGINNING, MONDAY JANUARY 24 TH AT 7:00 PM UNTIL WEDNESDAY, AT 7:00 PM
3:31	END	

STATE v. TIFFANY TURBYFILL Case No. CR- 09-0403

I, TIFFANY TURBYFILL, have read, or have had my lawyer read to me each of the following conditions of probation set forth in this document. I understand that I may be eligible for probation and I agree to the terms set forth if I am placed on probation. I also understand that the fact I filled out this form does not mean that the judge assigned to my case will place me on probation.

I also understand that placing my initials next to each condition of probation means that I understand the condition of probation and that I agree to comply with that term of probation if it is ordered by the judge.

PROBATION TERMS AND CONDITIONS

Defendant's Initials

1. TT I understand that if probation is granted to me and accepted by me that it is subject to all the terms and conditions agreed to and imposed by the Court. I understand that the Court may at anytime, in a case of a violation of the terms of the probation, cause me to be returned to the Court for imposition of sentence as prescribed by law.
2. TT I will violate no federal, state, or local laws.
3. TT I agree that within seventy-two (72) hours of my release from jail, or a shorter time if ordered by the judge that I will personally appear and report to Probation and Parole, 212 North First Avenue, Suite 101G, Sandpoint, Idaho, telephone number (208) 263-0455.
4. TT I agree that I will meet with my probation officer promptly at the times and places required by my probation officer.
5. TT I agree to be under the legal custody and control of the Idaho State Board of Corrections, Division of Probation and Parole.
6. TT I agree to comply with the rules and regulations of the Idaho State Board of Corrections, Division of Probation and Parole.
7. TT I agree that I will obey each and every provision that my Agreement of Probation with the department of probation sets forth.
8. TT I agree to reimburse the County for the expenses incurred in the prosecution and/or defense of this case if ordered to do so by the judge.
9. TT I agree to pay the required fee per month for the cost of supervision to the Idaho Department of Correction for every month I am under active probation supervision.

10. I agree to pay restitution as set forth in a separate judgment(s).
11. I agree to pay a fine to the Clerk of the Court if ordered.
12. I agree to complete community service work as ordered by the Court and as approved and directed by my probation officer. I also agree to pay the assessed fees associated with community service.
13. I agree that upon request of my probation officer, I shall participate in community service during any period of unemployment.
14. I agree to make payments for any fine, court costs, reimbursement, and restitution if ordered by the judge to the Clerk of the Court in cash, by cashier's check, by certified check, or money order.
15. I understand that the payments ordered by the judge shall be made in such periodic amounts as my probation officer shall specify and shall be subject to a maximum time period within which to pay as ordered by the court.
16. I agree to keep my probation officer advised of my place of residence and I agree that I will not change my place of residence or place of employment without the prior approval of my probation officer.
17. I agree that I will complete any substance abuse evaluation and/or education and/or treatment program required by my probation officer.
18. I understand that I must participate in any and all programs of rehabilitation as directed by my probation officer, including but not limited to programs of mental health, substance abuse, education, and vocational rehabilitation.
19. I understand that I must pay the cost or expense of any inpatient or outpatient treatment program or any other cost or expense of rehabilitation as soon as possible but not later than one (1) year after completion of the program.
20. I agree to submit, upon request of my probation officer or a law enforcement officer, without a warrant, to a chemical analysis of my blood, breath or urine, and I agree to pay for the costs of such analysis.
21. I agree that I will not purchase, possess, or use any substance intended to alter the results of a urinalysis test for the presence of controlled substances.
22. I will not purchase, possess, or use any prescription drug and/or controlled substance without having a current prescription for such drug or controlled substance.

23. JS I agree that I will submit, upon request of my probation officer or a law enforcement officer, without a warrant, to a search of my person, residence, or vehicle.
24. JS I agree to submit to a polygraph examination at my own expense at any time requested by my probation officer.
25. JS I agree to make every effort to obtain and maintain full-time employment if ordered to do so by the judge.
26. JS I agree to be enrolled as a full-time student if ordered to do so by the judge.
27. JS I agree that I will not associate with individuals specified by my probation officer.
28. JS I agree that I will not purchase, possess, or consume alcoholic beverages.
29. JS I will not be present at any bar, lounge, tavern, or on the premises of any place where the dispensing of alcohol is the major source of income.
30. JS I will not purchase, carry, or have in my possession any firearm or other weapons.
31. JS I agree to waive extradition to the state of Idaho, and further, I agree I will not contest any effort by any state to return me to the state of Idaho.
32. JS I agree I will obtain a general education diploma (G.E.D.) if ordered to do so by the judge.
33. JS I agree I will comply with all curfew restrictions ordered by my probation officer.

I agree to comply with all of the terms of probation set forth in this document and all additional terms and conditions of probation ordered by the judge assigned to my case.

Dated this 18 day of JANUARY, ~~200~~ 2011

Tiffany Inez Bell
Signature of Defendant

Witnessed by:

DENNIS REUTER
Printed Name of Witness

Dennis Reuter
Signed Name of Witness

01/25/2011 11:22

#682 P.002/009

From:

01/21/2011 14:43 2086678503

WALKER&WALLLLPLC

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT
PAGE 01/02

2011 JAN 25 P. 1:12

MARITON
CLERK OF COURT

Glen E. Walker
Dennis Reimer
GLEN WALKER LAW FIRM
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814
Telephone: (208) 667-9531
Facsimile: (208) 667-8503
ISBN: 1894/6154

Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>CASE NO. CR-09-0000403</p> <p>Stipulation to 57 Days of Time Served</p>
---	--

YOU ARE HEREBY NOTIFIED the parties hereby stipulate that Tiffany Turbyfill has served 57 days in jail thus far in Bonner County case CR-09-0403. The Defendant was in custody 1/23/09 to 1/26/09 (3 days), 11/6/09 to 11/18/09 (12 days) and 9/27/10 to 11/8/10 (42 days) for a total time served of 57 days so far. She has an additional 3 days to serve of the 60 day sentence; imposed by Judge Verby on January 18, 2011.

Stipulation to 57 Days of Time Served -1-

01/25/2011 13:08

2086678503

WALKER&WALLLLPLC

PAGE 02/02

01/25/2011 11:22

1882 P.003/003

From:

01/21/2011 14:43

2086678503

WALKER&WALLLLPLC

PAGE 02/02

DATED this 25th day of January, 2011.

GLEN WALKER LAW FIRM

Attorneys for Defendant

By:


Dennis Reuter

BONNER COUNTY PROSECUTOR

By:

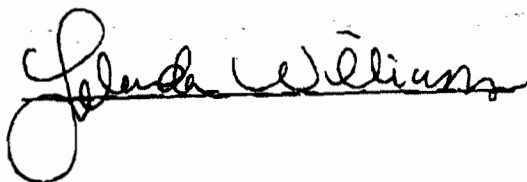

Roger Harmon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of January, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300

☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile to: 263-6726
☐ Overnight Mail



Stipulation to 57 Days of Time Served -2-

**FROM THE OFFICE OF THE
CLERK OF THE DISTRICT COURT
BONNER COUNTY, IDAHO
(208) 265-1432**

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2011 FEB -1 P 2:31

CLERK DISTRICT COURT
DEPUTY

February 1, 2011

Tiffany Turbyfill
1508 W. Shannon Avenue
Spokane, WA 99205

Case #CR-2009-403

Records from the District Court of the First Judicial District in Bonner County, Idaho indicate that you have had a court judgment entered against you. The judgment was for a felony conviction.

Convicted felons lose certain rights until such time as all conditions of that judgment have been met. This includes those who have been granted or may be granted a withheld judgment in their specific case.

One of those rights lost is the right to vote. Records in this office indicate that you are a registered voter. It is my duty to inform you that we must remove your name from the voter registration list.

Once you have completed all of the terms outlined in your felony judgment, you fill out a new voter registration card in the Clerk's Office; they will then reinstate you as a registered voter.

Should you have any questions concerning this action, please contact the Clerk's office.

**CLERK OF THE DISTRICT COURT
BONNER COUNTY, IDAHO
215 South First Avenue
Sandpoint, Idaho 83864**

I hereby certify that a true and correct copy of the foregoing was mailed, postage pre-paid to the above named individual at the address shown in the above referenced court file on the 1st day of February, 2011.


Deputy Clerk

Glen E. Walker
 Dennis Reuter
GLEN WALKER LAW FIRM
 1875 N. Lakewood Drive, Suite 200
 Coeur d'Alene, ID 83814
 Telephone: (208) 667-9531
 Facsimile: (208) 667-8503
 ISBN: 1894/6154

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2011 JAN 21 P 4:55

CLERK DISTRICT COURT
cm
 DEPUTY

Attorneys for Defendant

THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

TIFFANY TURBYFILL,

Defendant..

CASE NO. CR-09-0000403

ORDER AMENDING JUDGMENT

IT IS HEREBY ORDERED that the Judgment entered in this case on January 18, 2011 be amended and that the portion of Defendant's sentence requiring her to serve two(2) days in the Bonner County Jail commencing January 24th, 2011 at 7:00 p.m. be and the same is hereby extended to three (3) days commencing January 24th, 2011 at 7:00 p.m. .

DATED this 21st day of January, 2011.

Steve Verby

Hon. Steve Verby
 District Court Magistrate

ORDER AMENDING JUDGMENT -1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300

☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile to: 263-6726
☐ Overnight Mail

Dennis Reuter
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814

☐ Hand Delivered
☒ Facsimile to: 667-8503

Bonner County Jail
4001 N. Boyer
Sandpoint, ID 83864

☒ Facsimile to: 208-²⁵⁵⁻¹⁹⁷⁵~~263-4370~~
☐ Interoffice Mail

Marie Scott,
Clerk of the District Court

By: Cherie Moore
Deputy

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2011 JAN 21 P 4:55

TRINE S. COOK
CLERK DISTRICT COURT
Cm
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

vs.

TIFFANY LEIGH TURBYFILL,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR 2009-0000403

JUDGMENT AND COMMITMENT
AND ORDER OF PROBATION

On the 18th day of January, 2011, before the Honorable Steve Verby, District Judge, personally appeared Roger Hanlon, Deputy Prosecuting Attorney for the County of Bonner, State of Idaho, and the Defendant with her attorney, Dennis Reuter, this being the time fixed for pronouncing judgment in this matter. The defendant has served time in pre-sentence incarceration and shall receive credit for time served.

It is ADJUDGED that the Defendant has been found guilty of the offense of Driving Under the Influence, a felony in violation of Idaho Code §§ 18-8004(1)(a) and 18-8005(5), as charged in the Information on file in the above-entitled matter, the Court having asked if the Defendant had any legal cause to show why judgment should not be pronounced against her and no sufficient

cause to the contrary having been shown or appearing to the Court.

It is further ADJUDGED that the Defendant is guilty as charged and convicted and that the offense for which the Defendant is adjudged guilty herein was committed on or about the 23rd day of January, 2009.

It is further ORDERED, ADJUDGED, and DECREED that the Defendant pay a fine in the amount of \$1,000.00 and pay court costs in the amount of \$115.50.

It is further ADJUDGED that the Defendant be sentenced pursuant to Idaho Code § 19-2513 to the custody of the Idaho State Board of Correction to be held and incarcerated by said board in a suitable place for not less than one (1) year fixed, two (2) years indeterminate, not to exceed three (3) years.

It is further ADJUDGED that said sentence to incarceration in the Idaho State Penitentiary and commitment to the Idaho State Board of Correction be and the same is hereby suspended and the Defendant is placed on formal, supervised probation for five (5) years from January 18, 2011, on the following terms and conditions:

1. Probation is granted to and accepted by the Defendant subject to all its terms and conditions and with the understanding that the Court may at anytime, in a case of a violation of the terms of the probation, cause the probationer to be returned to the Court for imposition of sentence as prescribed by law.
2. Defendant shall violate no federal, state or local laws.
3. It is further ADJUDGED that the Defendant be assessed and ORDERED to pay:
 - \$ 17.50 as Court costs
 - \$ 50.00 as payment to the Idaho Victim's Compensation Fund
 - \$ 10.00 to the Police Officers Standard and Training Academy Fund
 - \$ 10.00 to the ISTARs Technology Fund
 - \$ 15.00 to the Interlock Device Fund
 - \$ 10.00 to the County Administrative Fund
 - \$ 3.00 to the Peace Officer and Detention Officer Temporary Disability Fund.
 - \$115.50 Total Costs which shall be paid in full within three years from January 18, 2011.

4. Defendant shall be incarcerated in the Bonner County Jail for sixty (60) days beginning Monday, January 24, 2011, at 7:00 p.m., until Wednesday, January 26, 2011, at 7:00 p.m. to serve consecutive weekends Monday through Wednesday. Defendant shall receive credit for time served. Said jail time shall be served concurrently with CR-2009-401.
5. Immediately after Defendant's release from jail, Defendant shall personally appear and report to Probation and Parole, 1013 Lake Street, Suite 101, Sandpoint, Idaho, telephone number (208) 263-0455.
6. Defendant shall meet with her probation officer promptly at the times and places required by her probation officer.
7. Defendant shall be under the legal custody and control of, and shall comply with the rules and regulations of, the Idaho State Board of Corrections, Division of Probation and Parole.
8. Defendant shall obey each and every provision that her Agreement of Probation with the Department of Probation set forth.
9. Defendant shall pay the required fee per month for the cost of supervision to the Idaho Department of Corrections for every month under active probation supervision.
10. Defendant shall pay a fine in the amount of \$1,000.00 to the Clerk of the Court. Such fine shall be paid in full within three (3) years from January 18, 2011.
11. Defendant shall complete a period of two hundred (200) hours of community service work at the rate of no less than one hundred (100) hours per year as ordered by the Court and as approved and directed by her probation officer. Defendant shall complete community service within two (2) years from January 18, 2011. Defendant shall pay the assessed fees associated with community service.
12. Defendant shall, upon request of her probation officer, participate in a community service program during any period of unemployment.
13. Payments for fine and court costs ordered herein shall be made to the Clerk of the Court in cash, certified check, cashier's check, or money order, and shall be paid in full within three (3) years from January 18, 2011.
14. The payments ordered by the judge shall be made in such periodic amounts as the probation officer shall specify and shall be subject to a maximum time period within which to pay as ordered by the court.
15. Defendant shall keep her probation officer advised of her place of residence and shall not change her place of residence or place of employment without the prior approval of her probation officer.

16. Defendant shall complete any substance abuse evaluation and/or education and/or treatment program required by her probation officer.
17. Defendant shall participate in any and all programs of rehabilitation as directed by her probation officer, including but not limited to programs of mental health, substance abuse, education, and vocational rehabilitation.
18. Defendant must pay the cost or expense of any inpatient or outpatient treatment program or any other cost or expense of rehabilitation as soon as possible but not later than one (1) year after completion of the program.
19. Defendant shall submit, upon request of her probation officer or a law enforcement officer, without warrant, to a chemical analysis of her blood, breath or urine, and pay costs of such analysis.
20. Defendant shall not purchase, possess, or use any prescription drug and/or controlled substance without having a current prescription for such drug or controlled substances.
21. Defendant shall not purchase, possess, or use any substance intended to alter the results of urinalysis testing for the presence of controlled substances.
22. Defendant shall submit, upon request of her probation officer or a law enforcement officer, without warrant, to a search of her person, residence or vehicle.
23. Defendant shall submit to polygraph examination at her own expense at any time requested by her probation officer.
24. Defendant shall make every effort to obtain and maintain full-time employment.
25. Defendant shall not associate with individuals specified by her probation officer.
26. Defendant shall not purchase, possess, or consume alcoholic beverages.
27. Defendant shall not be present at any bar, lounge, tavern, or on the premises of any place where the dispensing of alcohol is the major source of income.
28. Defendant shall not purchase, carry, or have in her possession any firearm or other weapons.
29. Defendant shall waive extradition to the State of Idaho, and further, Defendant shall not contest any effort by any state to return her to the State of Idaho.
30. Defendant shall comply with curfew restrictions as ordered by her probation officer.

31. Defendant shall have her driving privileges suspended for an absolute period of one (1) year after release from custody.

32. Pursuant to Idaho Code 18-8008, Defendant shall, during the entire period of probation, have installed and drive only a motor vehicle equipped with a functioning ignition interlock device certified for use in the State of Idaho. The device shall be calibrated so as to prevent the motor vehicle from being started when any level of alcohol is detected. Defendant shall not adjust, tamper with, alter or attempt to circumvent the interlock device or the electrical wiring to the unit and shall have the device inspected by the device installer at least every sixty (60) days from the date of installation. The probation officer may require additional random checks of the interlock device. Any evidence of tampering, misuse or breath test failure shall be reported to the Defendant's Probation Officer. This condition of probation is not an authorization to drive a vehicle and defendant must have had driving privileges restored in order to drive any vehicle under this provision. The Defendant will pay for the cost of the ignition interlock installation and monthly fees.

33. Defendant shall comply with the automobile insurance liability laws of the State of Idaho.

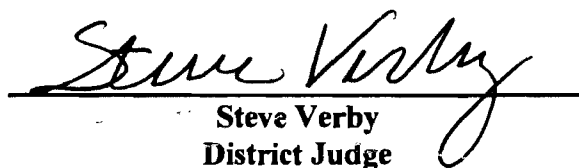
It is further ORDERED that any bond remaining posted as of this date is exonerated.

NOTICE OF RIGHT TO APPEAL

YOU ARE HEREBY NOTIFIED that you have a right to appeal this Order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written Order in this matter.

YOU ARE FURTHER NOTIFIED that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

DATED this 21st day of January, 2011.


Steve Verby
District Judge

Defendant acknowledges receipt of a copy of this order and agrees to comply with the terms and conditions of probation.

Date

Tiffany Turbyfill

Witness: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid or by interoffice mail, this 21st day of January, 2011, to:

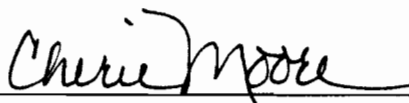
Idaho Dept. of Correction
Sentencing Specialist, Records
1299 North Orchard, Suite 110
Boise, ID 83706
(certified copy)

Roger Hanlon
Deputy Prosecuting Attorney
Courthouse Mail
Sandpoint, ID 83864

Dennis D. Reuter
Attorney at Law
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814

Probation and Parole
Courthouse Mail
Sandpoint, ID 83864
(certified copy)

Bonner County Sheriff
Courthouse Mail
Sandpoint, ID 83864


District Court Secretary/Deputy Clerk

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

2011 JAN 21 P 3:16

MARIE SCOTT
CLERK DISTRICT COURT

as
DEPUTY

Glen E. Walker
Dennis Reuter
WALKER & WALL
Attorneys at Law
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814
Telephone: (208) 667-9531
Facsimile: (208) 667-8503
ISBN: 1894/6154
Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>Case No. CR-09-0403</p> <p>MOTION TO AMEND REPORTING TIME FOR JAIL</p>
---	--

COMES NOW, the above-named Defendant, Tiffany Turbyfill, by and through her Attorney, Dennis Reuter of WALKER & WALL, Attorneys at Law, and hereby moves the Court for an order amending the reporting time for the Defendant to report to jail. *Defendant requests that she be allowed to serve 3 (three) days of jail starting Monday, January 24, at 7:00 pm (rather than 2 days as presently ordered).*

Circumstances

Tiffany Turbyfill was sentenced to serve 60 days in jail, minus credit for any time already served. By contact with the Sherriff's Office, it has been determined that she has served 57 days

and thus has only 3 days left to serve. (A joint stipulation regarding time served between defense counsel and the prosecutor will be filed within days.)

Defendant would rather serve 3 days than do 2 days this coming week, and then return a week later to serve 1 more day.

DATED this 21st day of January, 2011.

WALKER & WALL

Attorneys for Defendant

By:

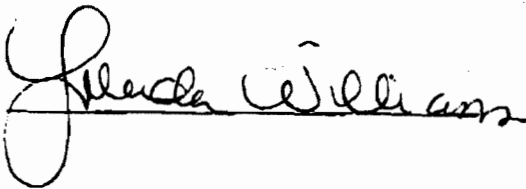

Dennis Reuter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of January, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300

☐ Hand Delivered
☒ Facsimile to: 263-6726
☐ U.S. Mail



Glen E. Walker
 Dennis Reuter
GLEN WALKER LAW FIRM
 1875 N. Lakewood Drive, Suite 200
 Coeur d'Alene, ID 83814
 Telephone: (208) 667-9531
 Facsimile: (208) 667-8503
 ISBN: 1894/6154

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2011 JAN 21 P 3:44

MALE SCOUT
 CLERK DISTRICT COURT

DEPUTY

Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>CASE NO. CR-09-0000403</p> <p>Stipulation to 57 Days of Time Served</p>
---	--

YOU ARE HEREBY NOTIFIED the parties hereby stipulate that Tiffany Turbyfill has served 57 days in jail thus far in Bonner County case CR-09-0403. The Defendant was in custody 1/23/09 to 1/26/09 (3 days), 11/6/09 to 11/18/09 (12 days) and 9/27/10 to 11/8/10 (42 days) for a total time served of 57 days so far. She has an additional 3 days to serve of the 60 day sentence; imposed by Judge Verby on January 18, 2011.

Stipulation to 57 Days of Time Served -1-

DATED this _____ day of January, 2011.

GLEN WALKER LAW FIRM

Attorneys for Defendant

By: _____
Dennis Reuter

BONNER COUNTY PROSECUTOR

By: _____
Roger Hanlon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of January, 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Prosecuting Attorney of Bonner County
127 S. First Avenue
Sandpoint ID 83864-1300


☐ U.S. Mail
☐ Hand Delivered
☒ Facsimile to: 263-6726
☐ Overnight Mail

Stipulation to 57 Days of Time Served -2-

Glen E. Walker
 Dennis Reuter
GLEN WALKER LAW FIRM
 Attorneys at Law
 1875 N. Lakewood Drive, Suite 200
 Coeur d'Alene, ID 83814
 Telephone: (208) 667-9531
 Facsimile: (208) 667-8503
 ISBN: 1894/6154
 Attorneys for Defendant

STATE OF IDAHO
 COUNTY OF BONNER
 FIRST JUDICIAL DIST.

2011 FEB 17 P 1:16

MARIE SCOTT
 CLERK DISTRICT COURT

 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>Case No. CR-09-0403</p> <p>MOTION FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER</p>
---	--

The above-named Defendant, Tiffany Turbyfill, by and through her attorney, Dennis Reuter of the Glen Walker Law Firm, formerly Walker & Wall, PLLC, hereby moves the Court for an order pursuant to Idaho Code Section 19-867, *et seq.*, Idaho Criminal Rules, Rule 44, and Idaho Appellate Rules, Rule 13(c)(9), for its Order appointing the State Appellate Public Defender's office to represent the appellant in all further proceedings involving this appeal. This motion is brought on the grounds and for the reasons that the Defendant is currently being represented by private counsel. However, the Defendant is without sufficient income to afford


**MOTION FOR APPOINTMENT OF STATE
 APPELLATE PUBLIC DEFENDER - 1**

continued representation by private counsel. The State Appellate Public Defender is authorized by statute to represent the Defendant in all felony appellate proceedings, and it is in the interest of justice for them to do so in this case since the Defendant is indigent, and any further proceedings on this case will be appealed.

DATED this 15th day of February, 2011.

GLEN WALKER LAW FIRM

Attorneys for Defendant

By: 
Dennis Reuter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 17th day of February, 2011, served a true and correct copy of the attached Motion for Appointment of State Appellate Public Defender via first class mail or as otherwise indicated upon the parties as follows:

<u>X</u>	Bonner County Prosecuting Attorney 127 S. First Avenue Sandpoint, ID 83864	<input checked="" type="checkbox"/>	Facsimile to: 208-263-6726
<u>X</u>	Lawrence G. Wasden Attorney General P.O.Box 83720 Boise, ID 83720-0010	<input type="checkbox"/>	First Class Mail
		<input type="checkbox"/>	Certified Mail
		<input checked="" type="checkbox"/>	Facsimile to: (208) 854-8071
<u>X</u>	Reporter for District Judge Steve Verby Attn: Valerie Larson c/o Bonner County Courthouse 215 S. First Avenue Sandpoint, ID 83864	<input type="checkbox"/>	First Class Mail
		<input checked="" type="checkbox"/>	Facsimile to: 208-263-0896
		<input type="checkbox"/>	Hand delivered


MOTION FOR APPOINTMENT OF STATE
APPELLATE PUBLIC DEFENDER - 2

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DIST.

Glen E. Walker
Dennis Reuter
GLEN WALKER LAW FIRM
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814
Telephone: (208) 667-9531
Facsimile: (208) 667-8503
ISBN: 1894/6154
Attorneys for Defendant

2011 FEB 17 P 1:15

MARIE SCOTT
CLERK DISTRICT COURT
MSK
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff/Respondent,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant/Appellant.</p>	<p>Case No. CR-09-0403</p> <p>NOTICE OF APPEAL</p>
--	---

TO: THE ABOVE NAMED RESPONDENT, STATE OF IDAHO, AND THE
CLERK OF THE ABOVE ENTITLED COURT:

1. The above named Appellant, Tiffany Turbyfill, hereby appeals against the above named Respondent, the State of Idaho, to the Idaho Supreme Court from the final Judgment and Sentence entered in the above entitled matter on January 18, 2011, case number CR-2009-0403, the Honorable Steve Verby presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the Judgment described above in paragraph one, is an appealable Judgment under and pursuant to Idaho Appellate Rule 11(c)(1).

3. The issues Appellant intends to assert in this appeal include, but are not necessarily limited to: *Did the trial court err in failing to dismiss this case at the time of the hearing on the Motion to Dismiss; did the trial court err in its rulings regarding the admissibility of the BAC results at trial*

4. Appellant requests the preparation of the entire reporter's standard transcript as defined in Rule 25 I.A.R., and to also include the following, pursuant to Rule 25 (b):

Motion to Dismiss – October 5, 2010 and October 21, 2010 (Val Larson – less than 100 pages)

Trial – November 8, 2010 (Repository shows there were two tapes)

5. The Appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28 I.A.R.: None

6. I hereby certify as follows:

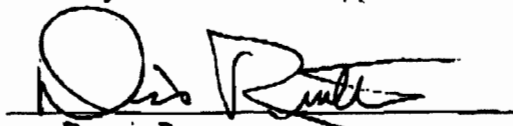
A. A copy of this Notice of Appeal has been served upon all court reporters from whom a transcript is requested. The name and address of each such reporter is marked below in the Certificate of Service.

B. Service has been made upon all parties required to be served pursuant to Rule 20 I.A.R., to wit the Bonner County Prosecuting Attorney, and the Attorney General of Idaho pursuant to Section 67-1401 (1) Idaho Code.

RESPECTFULLY SUBMITTED this 17th day of February, 2011.

GLEN WALKER LAW FIRM

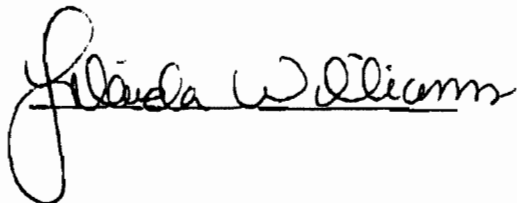
Attorneys for Defendant/Appellant


Dennis Reuter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 17th day of February, 2011, served a true and correct copy of the attached NOTICE OF APPEAL via first class mail or as otherwise indicated upon the parties as follows:

<u>X</u>	Bonner County Prosecuting Attorney 127 S. First Avenue Sandpoint, ID 83864	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Facsimile to: 208-263-6726
<u>X</u>	Lawrence G. Wasden Attorney General P.O.Box 83720 Boise, ID 83720-0010	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Facsimile to: (208) 334-2530
<u>X</u>	Reporter for District Judge Steve Verby Attn: Valerie Larson c/o Bonner County Courthouse 127 S. First Avenue Sandpoint, ID 83864	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Facsimile to: 208-263-0896 <input type="checkbox"/> Hand delivered



STATE OF IDAHO
County of Bonner
FILED 2011-FEB-19
AT 9:02 O'Clock A M
CLERK. DISTRICT COURT
Deputy

Glen E. Walker
Dennis Reuter
GLEN WALKER LAW FIRM
Attorneys at Law
1875 N. Lakewood Drive, Suite 200
Coeur d'Alene, ID 83814
Telephone: (208) 667-9531
Facsimile: (208) 667-8503
ISBN: 1894/6154

Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

<p>STATE OF IDAHO,</p> <p>Plaintiff,</p> <p>vs.</p> <p>TIFFANY TURBYFILL,</p> <p>Defendant.</p>	<p>Case No. CR-09-0403</p> <p>ORDER FOR APPOINTMENT OF STATE APPELLATE PUBLIC DEFENDER</p>
---	---

TO: OFFICE OF THE IDAHO STATE APPELLATE PUBLIC DEFENDER:

A final Judgment and Sentence having been entered by this court on January 18, 2011,
and the Defendant Tiffany Turbyfill having requested the aid of counsel in pursuing a direct
appeal from this District Court in this felony matter, and Defendant's trial counsel having filed a
timely notice of appeal, and the court being satisfied that said Defendant continues to be a needy
person entitled to public representation, therefore,

**ORDER FOR APPOINTMENT OF STATE
APPELLATE PUBLIC DEFENDER - 1**

IT IS HEREBY ORDERED, in accordance with I.C. §19-870, that the State Appellate Public Defender is appointed to represent Defendant in all further proceedings involving this appeal.

IT IS FURTHER ORDERED that trial counsel shall cooperate with the Office of State Appellate Public Defender in the prosecution of Defendant's appeal.

DATED this 18th day of February, 2011.


Hon. Steve Verby
District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of ~~MARCH~~ 2011, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Dennis Reuter

☒ U.S. mail

Office of the Bonner County Prosecutor

☐ Facsimile to: 208-263-6726

☒ Interoffice mail

☐ Hand delivered

Molly J. Husky
State Appellate Public Defender
3647 Lake Harbor Lane
Boise ID 83703

☒ U.S. Mail

Lawrence G. Wasden
Attorney General
PO Box 83720
Boise ID 83720-0010

☒ U.S. mail

**ORDER FOR APPOINTMENT OF STATE
APPELLATE PUBLIC DEFENDER - 2**

Supreme Court

[] U.S. mail

Valerie Larson

Reporter for District Judge Steve Verby

[☒] Hand delivered

Marie Scott,

Clerk of the District Court

By:


Deputy

ORDER FOR APPOINTMENT OF STATE
APPELLATE PUBLIC DEFENDER - 3

TO: Clerk of the Court
 Bonner County Courthouse
 215 South First Avenue
 Sandpoint, Idaho 83864

2011 MAY 19 P 1:52


MARIE SCOTT
 CLERK DISTRICT COURT
 DEPUTY

CASE NO. CR 2009-403
 DOCKET NO. 38579-2011

(STATE OF IDAHO
 (
 (vs
 (
 (TIFFANY LEIGH TURBYFILL


NOTICE OF TRANSCRIPTS LODGED

Notice is hereby given that on May 19, 2011, I lodged the transcripts from the Motion to Dismiss proceedings held on October 5, 2010 totaling 4 pages, the Motion to Dismiss proceedings held on October 21, 2010 totaling 36 pages, the Jury Trial proceedings totaling 98 pages and the Sentencing proceedings held on January 18, 2011 totaling 9 pages for the above-referenced case with the District Court Clerk of the County of Bonner in the First Judicial District.


 Valerie E. Larson
 May 19, 2011

STATE OF IDAHO,) SUPREME COURT NO. 38579-2011
)
Plaintiff/Respondent,)
)
vs.)
)
TIFFANY LEIGH TURBYFILL,)
)
Defendant/Appellant.)
)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
said Court this 9th day of June, 2011.

 *James A. Kils*
Deputy Clerk

Clerk's Certificate

IN THE SUPREME COURT OF THE STATE OF IDAHO

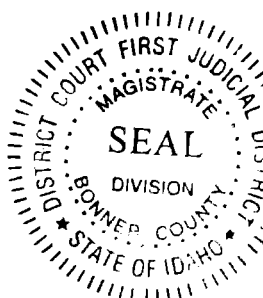
STATE OF IDAHO,)	SUPREME COURT NO. 38398-2011
)	
Plaintiff/Respondent,	)	CLERK'S CERTIFICATE OF EXHIBITS
)	
vs.)	
)	
DAVID LAWRENCE FRITZ,)	
)	
Defendant/Appellant)	

I, Marie Scott, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do hereby certify that the following is offered as the Clerk's exhibit on appeal copies of :

Spokane Addiction Recovery Center Discharge Summary filed February 7, 2011.
Pre-Sentence Report filed January 11, 2011.
Criminal and Driving Record Report filed November 16, 2009.
Bonner County Sheriff Current Inmate Information Summary
filed November 9, 2009
Bonner County Sheriff Current Inmate Information Summary
Filed September 28, 2010
Bonner County Sheriff Current Inmate Information Summary
filed October 5, 2010
Defendant's Exhibit A-Standard Operation Procedure Breath Alcohol Testing
filed October 4, 2010.
State's Exhibits 1-8 filed November 18, 2009
Court's Exhibits 1-5
Bonner County Sheriff's Law Supplemental Narrative filed November 12, 2009
Bonner County Sheriff's Law Supplemental Narrative filed September 29, 2010
Memorandum Supporting Dismissal of Case filed October 21, 2010

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
the seal of the said Court this 9th day of June, 2011.

Marie Scott, Clerk of the District Court




Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	SUPREME COURT NO. 38579-2011
)	
Plaintiff/Respondent,	)	CLERK'S CERTIFICATE
	)	OF SERVICE
)	
vs.)	
)	
TIFFANY LEIGH TURBYFILL,)	
)	
Defendant/Appellant)	
_____)	

I, Marie Scott, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do hereby certify that I have personally served or mailed, by United Parcel Service, one copy of the CLERK'S RECORD to each of the Attorneys of Record in this cause as follows:

LAWRENCE WASDEN
ATTORNEY GENERAL
P.O. BOX 83720
BOISE, ID 83720-0010

MOLLY HUSKEY
STATE APPELLATE PUBLIC DEFENDER
P.O. BOX 83720
BOISE, ID 83720-0005

ATTORNEY FOR RESPONDENT

ATTORNEY FOR PETITIONER

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 10th day of June, 2011.

Marie Scott
Clerk of the District Court



Alanna L. Kelso
Deputy Clerk

Certificate of Service